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SUPREME COURT OF THE UNITED STATES

No. 262.

MICHAEL HURLEY, APPELLANT,

vs.

D. W. JONES.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF IOWA.

FILED OCTOBER 20, 1875.

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1 & 2 Pleas in the circuit court of the United States for the district of Iowa, at a term thereof begun and holden at the United States court-room, in the city of Des Moines, in the State of Iowa and district aforesaid, on the second Monday of October, it being the 12th day of October, A. D. 1874, before the Hon. John F. Dillon, United States circuit judge for the eighth circuit, and Hon. James M. Love, United States district judge for said district of Iowa.

3 Be it remembered that heretofore, to wit, on the 8th day of November, A. D. 1872, Michael Hurley, by his solicitors, Mess. Phillips & Phillips, filed in the clerk's office of the circuit court of the United States for the district of Iowa his bill of complaint against D. W. Jones; which said bill of complaint is in the words and figures following, to wit:

To the judges of the circuit court of United States for the district of Iowa:

Your orator, Michael Hurley, a resident and citizen of the State
4 of Maryland, brings this his bill against D. W. Jones, a resident and citizen of Page County, in the State of Iowa, and thereupon your orator complains and shows that pursuant to the provisions of the act of Congress in such case made and provided, and by entry thereof from the United States, your orator became and is the owner in fee-simple of the following-described premises and lands lying, being, and situated in the county of Page and State of Iowa, to wit: The south half of the southeast quarter, the southeast quarter and the south half of the northeast quarter of section twenty-one, in township sixty-nine north, of range thirty-nine west of the 5th P. M., Iowa.

That the said D. W. Jones, by some pretended claim of title through the treasurer of Page County, Iowa, claims title to said lands by reason of an alleged sale thereof for taxes by such treasurer, and subsequent conveyances by such treasurer; but your orator is wholly ignorant, beyond the alleged facts aforesaid, of the grounds of respondent's
5 claim of title, and your orator is also wholly ignorant as to when it is claimed said lands were sold for taxes, or for what years so sold, or when the alleged deeds of conveyance were made under which respondents now claim title. Your orator says that if any such pretended claim of title is set up by said D. W. Jones (as he avers it is), the same is voidable and void; for your orator says that said lands never were legally assessed for any year or years, since their entry by your orator from the United States, in which your orator has not paid the taxes assessed thereon; that your orator has paid, and kept paid, all taxes legally assessed thereon, and that if said lands or any part thereof were sold for taxes, as alleged by respondent, the same was so sold without authority of law, and the same was void; and he has not sufficient knowledge as to the character of respondent's pretended title to enable him to specifically state wherever the same is defective and void,
6 nor is he able to say whether or not said Jones has ever paid any taxes on said land under his pretended tax-title or since the alleged sale thereof for taxes under which said Jones now claims title, nor can he say whether the said Jones is entitled to have and receive any such taxes nor the amount thereof, if any. Your orator shows that said lands are wild, uncultivated prairie lands, and not in the actual possession of any person, so far as he knows. But that said defendant is giving out in speeches, and otherwise, and by offering said lands for

sale, that he is the owner thereof, whereby your orator is unable to sell or dispose of his said lands at their value.

Your orator therefore prays that the said D. W. Jones may be made a party defendant hereto, and that he be required to set out and disclose by his answer herein what title or interest he claims in or to said lands, and how and when derived, and from whom; and if by tax deed or purchase that then he state such title on the record and the
7 amount of taxes he has paid, or claims to have paid, on said lands, and when paid, to the end that your orator may bring into court, for the use of said respondent, any and all taxes to which he may be entitled; and your orator prays that such pretended title of respondent may be declared cancelled and null and void, and the cloud caused thereby be removed from said premises, and that your orator's title said premises may be declared and established, and for such other further or different relief as in equity he may be entitled to, and as in duty bound he will ever pray.

And may it please your honor to grant unto your orator a writ of subpœna of the United States of America, issuing out of and under the seal of this honorable court, directed to the said D. W. Jones, commanding him on a day certain to be named thereon, under penalty, to be and appear in this honorable court, then and there to answer all and singular the premises, and to stand to abide and perform all such further
8 orders, direction, and decree as may hereafter hereon be made against him. And your orator will ever pray, &c.

(S'g'd) PHILLIPS & PHILLIPS,
Comp't's Solicitors.

(Endorsed:) U. S. C. court. Michael Hurley vs. D. W. Jones. Bill in eq. Filed Nov. 8, 1872. George B. Corkhill, clerk. Phillips & Phillips, for comp't.

9 And afterwards, to wit, on the 20th day of December, 1872, said complainant, by his said attorneys, filed in said clerk's office his amended bill of complaint in said cause; which said amended bill is in the words and figures following, to wit:

Amended bill.

In the circuit court United States for the district of Iowa.

MICHAEL HURLEY }
vs.
D. W. JONES. }

Your orator, Michael Hurley, a resident and citizen of the State of Maryland, brings this his bill against D. W. Jones, a resident and citi-
zen of the county of Page and State of Iowa, and thereupon your
10 orator complains and shows to the court that pursuant to the provisions of the acts of Congress in such cases made and provided, he entered of the United States with military bounty-land warrant No. 45847, issued under the act of Congress passed March 3d, 1855, the south half of the southeast quarter of section twenty-one, in township sixty-nine north, of range thirty-nine west of the 5th P. M., Iowa. That such entry thereof was so made on, to wit, May 1st, 1860.

That in like manner, under the acts of Congress aforesaid, he entered of the United States on the second day of July, 1860, with military bounty-land warrant No. 70801, issued under the act of March 3rd, 1855, the south half the northeast quarter, and the north half of the southeast

quarter, of said section twenty-one, in township sixty-nine north, of range thirty-nine west of the 5th P. M., Iowa; all of which said lands are situated in the county of Page and State of Iowa. And that said lands are of the value of three thousand eight hundred and forty dollars or more.

That your orator became at the entry thereof as aforesaid, and
11 still is, the owner thereof; that the said D. W. Jones, by some pretended conveyance or conveyances alleged to have been made by the treasurer of Page County, Iowa, for said lands in pursuance of certain alleged sales thereof for taxes claimed to have been assessed thereon, as alleged, prior to the year 1866, claims title thereto; but your orator is wholly ignorant touching the alleged facts aforesaid or the true ground of respondent's claim of title to said lands. And your orator is wholly ignorant as to when respondent claims said taxes were levied upon said lands, or for what year or years so levied, or when said lands were sold for such alleged taxes, or when such pretended deeds of conveyance, under which respondent claims title, were made. Your orator says that if any such pretended title is set up by said D. W. Jones to said lands (as he avers it is), the same is voidable and void; for your orator says that he paid and kept paid, as required, any and all taxes ever legally assessed or levied upon or against said lands or any
12 part thereof, prior to the year 1866, and since the same were by law taxable, after their entry from the United States as aforesaid; and if said land or any part thereof were ever sold for any pretended taxes levied thereon prior to the year 1866, as respondent alleges, the same was so sold without authority of law, and such sale and all deeds or other conveyances based thereon or title claimed thereunder was and is absolutely void. But your orator has not knowledge as to the character of respondent's pretended claim of title to enable him to state more specifically wherein the same is defective and void. Complainant further shows that on, to wit, Nov. 4th, 1867, said lands aforesaid were sold by the treasurer of Page County, Iowa, for taxes alleged to have been assessed and levied thereon for the year 1866. Complainant says that such alleged taxes were illegal, for that said lands were not legally assessed for said year 1866, nor were there any taxes legally served thereon for said last-mentioned year, and that the sale thereof on the 4th day of November, 1867, for such alleged taxes of the year 1866,
13 was without authority of law, and void, and gave the purchaser at such sale no interest therein or lien thereon.

Complainant further shows that on, to wit, the 28th day of October, 1870, he tendered to their county auditor of Page County, Iowa, and to respondent herein, the sum of seventy-one dollars, for the redemption of said lands from such sales thereof so made in November, 1867, and to pay all subsequent taxes paid thereon, with penalty, interest, and costs, and which amount so tendered was sufficient to have redeemed said lands from such tax-sale aforesaid and from all subsequent payments of taxes thereon. But your orator says that said auditor of said county, and respondent herein, refused to accept said sum of money so tendered upon the sole ground that said respondent was the owner of said lands prior to and at the time the same were so sold for taxes in 1867 as aforesaid, and thereafter the treasurer of said county of Page made and executed to respondent a deed or deeds of said lands in pursuance of such sales so made in Nov., 1867. Your orator says that said deeds
14 were unlawfully issued, and that the said D. W. Jones should take nothing thereby, even if such taxes for the year 1866 had been legally levied thereon.

Your orator further says that he has always been ready and willing to pay to the auditor of said county, or to said D. W. Jones, or any other person authorized to receive the same, the said taxes, interest, penalty, and costs, and is still ready and willing so to do, and here now offers to pay the same into this court for the use and benefit of said Jones, as this hon. court may direct.

Your orator says that he is informed, and believes to be true, that said respondent, after acquiring the treasurer's deed for said lands under the sale thereof for taxes in Nov., 1867, as aforesaid, has entered into the possession of the same, or at least a large portion thereof, and has since that time been enjoying the use, rent, and profits thereof, whereby it became and was his duty to pay all taxes assessed thereon since the taking possession thereof, and since the effort of complainant to redeem the same as aforesaid. That your orator is wholly ignorant as to
15 whether or not said respondent has paid any taxes on said lands since the 28th day of October, 1870, or if any such were or have been paid by him, how much, or when paid, so paid by respondent; that he has received in rent and profits from the use of said lands largely more money than he has expended in the payment of such taxes, interest, & costs. Your orator says he has been unable, by correspondence or otherwise, to procure copies of any deeds, or other evidence of title, to said D. W. Jones for or to any part of said lands, and he cannot, therefore, annex to this his bill any of the instruments through which respondent claims title to said premises. But your orator avers that said respondent is giving out in speeches that he is the owner of all of the aforesaid land, and is and has been endeavoring to dispose of the same as his own, under such pretended claim of title thereto, and that by reason of such acts of said respondent your orator is unable to dispose of the same at their value.

Your orator therefore prays that said D. W. Jones may be
16 made party defendant herein, and that he be required to set out and disclose by his answer to be filed herein what title or interest he claims in or to said lands, and how and when derived, and from whom derived; and if by tax-purchase and deeds, that he set out copies of such deeds and the amount of taxes he has paid, or claims to have paid, on said lands, and when paid, and whether or not he has been in the possession of said lands, and when he so entered into possession thereof, and what amount of money or property he has received from said lands, either directly or indirectly; and that an accounting may be had between said respondent and your orator touching those of said premises and the taxes paid, to the end that your orator may bring into court, for the use of said respondent, any and all taxes, if any may be found due to said respondent, and which he here offers to do.

And your orator further prays that respondent may be required to accept the money so tendered in October, 1870, in full redemption
17 of said lands from all taxes and tax-liens up to that time, and that respondent's pretended title to said lands may be cancelled and declared null and void, and that your orator's titles to said lands may be quieted and established, and for such other further or different relief in the premises as according to the rules of equity he may be entitled to. And, as in duty bound, he will ever pray. &c.

PHILLIPS & PHILLIPS,
Sol's for Comp't.

(Endorsed:) U. S. C. court. Michael Hurley vs. D. W. Jones. Amended bill. Filed Dec. 20th, 1872. George B. Corkhill, clerk. Phillips & Phillips, for comp't.

18 And on the 8th day of November, A. D. 1872, there was issued from said clerk's office a subpœna in chancery to D. W. Jones; which said subpœna is in the words and figures following, to wit:

19 UNITED STATES OF AMERICA,
District of Iowa, ss:

The President of the United States to D. W. Jones:

We command you, and each of you, that you appear before the judge of the circuit court of the United States for the district of Iowa, at Des Moines, on the second Monday of May, it being the 12th day of May next (A. D. 1873), to answer to the bill of complaint to Michael Hurley this day filed in the office of the clerk of said court, and then and there to receive and abide by such judgment and decree as shall then and thereafter be made, upon pain of judgment being pronounced against you by default.

To the marshal of the district of Iowa. Returnable to the February, rule-day, it being Monday, the 3rd day of February, A. D. 1873.

Witness the Hon. Salmon P. Chase, Chief Justice of the Supreme Court of the U. S., at Des Moines, this, the 8th day of November, A. D. 1872, and of the Independence the ninety-seventh year.

{ SEAL OF THE CIRCUIT COURT OF THE U. S., DISTRICT OF IOWA. } GEORGE B. CORKHILL. *Clerk.*

MEMORANDUM.—The within-named defendant is notified that unless he enter his appearance in the clerk's office of said court, at Des Moines aforesaid, on or before the day to which the above writ is returnable, as above stated, the complaint will be taken against him as confessed, and a decree entered thereon accordingly.

{ SEAL OF THE CIRCUIT COURT OF THE U. S., DISTRICT OF IOWA. } GEORGE B. CORKHILL, *Clerk.*

20 And afterwards, to wit, on the 5th day of May, 1873, the marshal returned said subpœna to said clerk's office with the following return of service endorsed thereon, to wit:

21 (Endorsed:)

No. 339. Subpœna in chancery. Circuit court of the United States, district of Iowa. M. Hurley vs. D. W. Jones. Returnable to rule-day, first Monday in February, A. D. 1873. George B. Corkhill, clerk. Filed May 5, A. D. 1873. George B. Corkhill, clerk. Phillips & Phillips, comp't's sol., Des Moines.

This writ came into my hands for service on the 8 day of May, A. D. 1872, and I served the same on the within-named D. W. Jones Dec. 26, 1872, by reading the same to him, and by delivering a true copy of the same to him, at his residence in the county of Page and State of Iowa.

PETER MELENDY,
U. S. Marshal.
A. BOWERS, *Deputy.*

Marshal's fees:

Mileage, 226 miles	$13 56
Service on 1	$ 2 00
Copy 1	$ 1
	$16 56

22 And on the 10 day of March, A. D. 1873, the said defendant, by his att'ys, Mess. Sapp, Lyman & Hanna, filed in said clerk's office his answer to the amended bill; which said answer is in the words and figures following to wit:

23 *Answer to amended bill.*

In the circuit court of the United States in and for the district of Iowa.

MICHAEL HURLEY, PET'R,
vs.
D. W. *D. W.* JONES, RESP'D.

Now comes D. W. Jones, respondent herein, and, answering the amended bill of petitioner herein filed, says, that, as to the allegations of said amended bill that said petitioner entered from the United States, the real estate described in said amended bill in the manner and form therein set forth, he has not sufficient knowledge or information to enable him to either admit or deny the same, and he demands that petitioner be required to fully prove the same. He denies that petitioner is the owner of said real estate; denies that the title under which respondent claims said real estate, and which is hereinafter more fully set up, is either void or voidable; denies that petitioner paid
24 and kept paid, as required by law, all taxes legally assessed and levied against said lands, or any part thereof, prior to the year 1866, and since the same were taxable; denies that the sales of said land for taxes prior to the year 1866 were without authority of law; denies that such sales and the deeds made thereunto are void; denies that the taxes assessed and levied on said lands for the year 1866 were illegal; denies that no taxes were legally levied thereon for that year; denies that the sale thereof on the 4th day of Nov'b'r, 1867, for the taxes of 1866 was without authority of law and void; denies that said sale gave the purchaser thereat no interest in or lien on said lands; denies that on the 28th day of October, 1870, he tendered to the respondent herein the sum of seventy-one dollars for the redemption of said lands from said sale of 1867, and to pay subsequent taxes and penalties, interest and costs; denies that such sum was sufficient to redeem said lands from said sale and all subsequent payments of taxes thereon; but respondent says that as to the allegations of peti-
25 tioner's bill, that such tender was made to the county auditor of Page County, Iowa, he has not knowledge or information sufficient to enable him to either admit or deny the same, and asks that petitioner be required to fully prove such allegations.

Respondent denies that the deed to him made by the county treasurer of Page County, Iowa, for the lands hereinbefore described in pursuance of the sale of Nov. 4, 1867, was unlawfully issued; denies that respondent should take nothing thereby. Respondent says that as to the allegations of petitioner's amended bill, that he has always been ready and willing to pay to the auditor of said county, or to respondent, or to any other person authorized to receive the same, the said taxes, interest, penalty, and costs, and that he is still ready and willing so to do, he has not knowledge or information sufficient to form a belief; but he demands that petitioner be required to pay the same, as also the costs of this action, into court, or else that he be enjoined from further proceeding farther herein.

Respondent denies that he has rec'd as rents and profits of the

26 land in controversy herein a sum of money largely in excess of the taxes he has paid thereon and the improvements he has made upon the same. And respondent denies that petitioner is entitled to the relief prayed for in his amended bill, or to any part or portion thereof.

2. Respondent, further and fully answering the said amended bill, says he is the absolute owner of all the lands and real estate in said amended bill described, and that he acquired such ownership by virtue of the matters and things hereinafter set out, viz:

On the 21st day of November, 1864, at an a'journment of the regular October tax-sale for 1864, in the said county of Page, the treasurer of said county sold the said lands to Orlando Meade for the taxes due and unpaid thereon for the years 1861, 1862, & 1863, as provided by law, and issued to him a certificate of such sale, as is by law required; and three years having elapsed from the date of such sale, and
27 the said lands not having been redeemed, as provided by law, the said treasurer of said county did, on the 22d day of November, 1867, make, execute, and deliver to said Orlando Meade a tax-deed for all the lands in said amended bill described, a copy of which said deed is hereto attached, marked "Exhibit A," and made part hereof.

Respondent further says that on 3rd day of November, 1868, the said Orlando Meade conveyed the said S. E. ¼ of sec. No. 21, t'p sixty-nine (69), range No. thirty-nine (39), by good and sufficient deed to the respondent herein, a copy of which said deed is hereto attached, marked "Exhibit B," and made part hereof.

And respondent further says that on the 28th day of December, 1868, the said Orlando Meade conveyed, by good and sufficient deed, to the respondent the said S. ½ of the N. E. ¼ of sect. 21, t'p No. 69, range 39, a copy of which said deed is hereto attached, marked "Exhibit C," and made part hereof. Respondent further says that on the 14th
28 day of March, 1870, he conveyed the last herein described tract to one Everett Falger by good and sufficient deed, a copy of which is hereto attached, marked "Exhibit D," & made a part hereof. And that on the 8th day of June, 1870, the said Everett Falger reconveyed the same to your respondent by good and sufficient deed, a copy of which is hereto attached, marked "Exhibit E," and made part hereof.

3. Respondent further says he is the absolute owner of the lands in said amended petition described and in controversy herein; because he says that on the 4th day of November, 1867, at an adjourned tax-sale begun and held on the first Monday of October, 1867, the treasurer of the said county of Page sold said lands to one Orlando Meade for the taxes due and unpaid thereon for the year 1866, and issued to said Orlando Meade a certificate of such sale, as by law required; that on the 5th day of February, 1868, the said Orlando Meade assigned such certificate of
29 sale to one Dexter Reynolds, who on the 20th day of Dec., 1870, and long after a deed was due by virtue of such sale and certificate, valuable continuation assigned said certificate to the respondent herein, and that on the 26th day of Feb'ry, 1873, the said treasurer of said Page County, Iowa, by virtue of such sale & certificate, made, executed, and delivered to your respondent a tax-deed for said lands, as he was by law required to do, a copy of which deed is hereto attached, marked "Ex. F," and made part hereof.

Wherefore respondent demands a decree quieting & confirming his title to said lands, and for such other and further relief as equity and good conscience may require.

(Sg'd) SAPP, LYMAN & HAUNN,
Sol. for Respondent.

STATE OF IOWA,
Page County, ss:

I, D. W. Jones, being first duly sworn, on oath say I am the respondent herein; that I have read over the foregoing answer and
30 know the contents; that such matters as are therein stated as being within my personal knowledge are true, and that such as are stated upon information and belief are true as I verily believe.

(Signed) D. W. JONES.

Sworn to before me by D. W. Jones & by him subscribed in my presence this 4 day of March, A. D. 1873.

Witness my hand and official seal.

{ W. P. FERGUSON, IOWA, NOTARIAL SEAL. } W. P. FERGUSON,
Notary Public for said Co.

30*a* EXHIBIT A.

Know all men by these presents, that whereas the following-described pieces of real property, situated in the county of Page and State of Iowa, viz, the S. W. quarter of the S. W. quarter of section 30, in township 70 north, of range 38 west, 5 P. M., Iowa; the S. W. quarter of the N. W. quarter of section 36, in township 70 north, of range 38 west, 5 P. M., Iowa; the S. W. quarter of the N. W. quarter of section 19, in township 69 north, of range 39 west, 5 P. M., Iowa; the S. W. quarter of the N. E. quarter of section 21, in township 69 north, of range 39 west, 5 P. M., Iowa; the S. E. quarter of the N. E. quarter of section 21, in township 69 north, of range 39 west, 5 P. M., Iowa; the N. E. quarter of the S. E. quarter of section 21, in township 69 north, of range 39 west, 5 P. M., Iowa; the N. W. quarter of the S. E. quarter of section 21, in township 69 north, of range 39 west, 5 P. M., Iowa; the S. W. quarter of the S. E. quarter of section 21, in township 69 north, of range 39 west, 5 P. M., Iowa; the S. E. quarter of the S. E. quarter of section 21, in township 69 north, of range 39 west, 5 P. M., Iowa; the N. E. quarter of the N. E. quarter of section 22, in township 69 north, of range 39 west, 5 P. M., Iowa; the N. W. quarter of the N. E. quarter of section 22, in township 69 north, of range 39 west, 5 P. M., Iowa; were each subject to taxation for the years 1861, '62, & 1863;

30*b* And whereas the taxes assessed upon said respective pieces of real property, for the year aforesaid, remained due and unpaid at the date of the sale hereinafter named;

And whereas the treasurer of said county did, on the 21 day of November, A. D. 1864, by virtue of the authority in him vested by law, at the adjourned sale begun and publicly held on the first Monday of October, A. D. 1864, expose to public sale, at the court-house in the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made and provided, the several pieces of real property above and hereafter described, separately, for the payment of the taxes, interest, and costs then due and remaining unpaid on each of said pieces of real property respectively;

And whereas, at the time and place aforesaid, Orlando Meade, of the county of Albany and State of New York, having offered to pay the sum of seven dollars and 82 cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on the S. W.
30*c* quarter of the S. W. quarter of section 30, in township 70 north, of range 38 west, 5 P. M., Iowa, for the whole of said tract, which was the least quantity bid for;

And whereas, at the time and place aforesaid, the said Orlando Meade having offered to pay the sum of seven dollars and 82 cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on the S. W. quarter of the N. W. quarter of section 36, in township 70 north, of range 38 west, 5 P. M., Iowa, for the whole of said tract, which was the least quantity bid for;

And whereas, at the time and place aforesaid, the said Orlando Meade having offered to pay the sum of nine dollars and 10 cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on the S. W. quarter of the N. W. quarter of section 19, in township 69 north, of range 39 west, 5 P. M., Iowa, for the whole of said tract, which was the least quantity bid for;

And whereas, at the time and place aforesaid, the said Orlando Meade having offered to pay the sum of nine dollars and 10 cents, being the whole amount of taxes, interest, and costs then due and remain-
30*d* ing unpaid on the S. W. quarter of the N. E. quarter of section 21, in township 69 north, of range 39 west, 5 P. M., Iowa, for the whole of said tract, which was the least quantity bid for;

And whereas, at the time and place aforesaid, the said Orlando Meade having offered to pay the sum of nine dollars and 10 cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on the S. E. quarter of the N. E. quarter of section 21, in township 69 north, of range 39 west, 5 P. M., Iowa, for the whole of said tract, which was the least quantity bid for;

And whereas, at the time and place aforesaid, the said Orlando Meade having offered to pay the sum of nine dollars and 10 cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on the N. E. quarter of the S. E. quarter of section 21, in township 69 north, of range 39 west, 5 p. M., Iowa, for the whole of said tract, which was the least quantity bid for;

And whereas, at the time and place aforesaid, the said Orlando Meade having offered to pay the sum of nine dollars and 10 cents, being
30*e* the whole amount of taxes, interest, and costs then due and remaining unpaid on the N.W. quarter of the S. E. quarter of section 21, in township 69 north, of range 39 west, 5 P. M., Iowa, for the whole of said tract, which was the least quantity bid for;

And whereas, at the time and place aforesaid, the said Orlando Meade having offered to pay the sum of nine dollars and 10 cents, being the whole amount of taxes, interests, and costs then due and remaining unpaid on the S. W. quarter of the S. E. quarter of section 21, in township 69 north, of range 39 west, 5 P. M., Iowa, for the whole of said tract, which was the least quantity bid for;

And whereas, at the time and place aforesaid, the said Orlando Meade having offered to pay the sum of nine dollars and 10 cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on the S. E. quarter of the S. E. quarter of section 21, in township 69 north, of range 39 west, 5 P. M., Iowa, for the whole of said tract, which was the least quantity bid for;

And whereas, at the time and place aforesaid, the said Orlando
30*f* Meade having offered to pay the sum of nine dollars and 10 cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on the N. E. quarter of the N. E. quarter of section 22, in township 69 north, of range 39 west, 5 P. M., Iowa, for the whole of said tract, which was the least quantity bid for:

And whereas, at the time and place aforesaid, the said Orlando Meade having offered to pay the sum of nine dollars and 10 cents, being the

whole amount of taxes, interest, and costs then due and remaining unpaid on the N. W. of the N. E. of section 22, town. 69 north, of range 39 west, for the whole of said tract, which was the least quantity bid for; and payment of the several sums of money having been by him made to the said treasurer, the said respective pieces of property were respectively stricken off to him at the respective prices aforesaid;

And whereas three years have elapsed since the date of said sale, and the said respective pieces of property have not been redeemed therefrom, as provided for by law, nor either of them, nor any part thereof:

30*g* Now, therefore, I, Henry Dorsey, treasurer of the county aforesaid, for and in consideration of the said several sums of money to the treasurer paid as aforesaid, and by virtue of the statu'e in such case made and provided, have granted, bargained, and sold, and by these presents do grant, bargain, and sell unto the said Orlando Meade, his heirs, and assigns, the several pieces of real property which were stricken off to him at the said sale, as hereinbefore described, to have and to hold, unto him the said Orlando Meade, his heirs and assigns, forever, subject, however, to all the rights of redemption provided by law.

In witness whereof I, Henry Dorsey, treasurer as aforesaid, by virtue of the authority as aforesaid, have hereunto subscribed my name, on this 22nd day of November, A. D. 1867.

HENRY DORSEY,
Treasurer.

30*h* STATE OF IOWA,
Page County:

I hereby certify that before me, J. Butler, in and for said county, personally appeared the above-named Henry Dorsey, treasurer of said county, personally known to me to be the treasurer of said county at the date of the execution of the above conveyance, and to be the identical person whose name is affixed to and who executed the above conveyance, as treasurer of said county, and who acknowledged the execution of the same to be his voluntary act and deed as treasurer of said county for the purposes herein expressed.

Given under my hand and seal this day of , A. D. 18 .

J. BUTLER,
Clk Dist. Court, Page Co., Iowa,
By F. J. HENDERSON, *Deputy.*

(Endorsed:) Filed for record on the 26 day of Nov., A. D. 1867.

31 Ex. B.

Quitclaim deed.

Know all men by these presents that I, Orlando Meads, of the county of Albany and State of New York, in consideration of the sum of two hundred and eighty (280) dollars in hand paid, do hereby quitclaim unto D. W. Jones, of Fremont County, Iowa, all my right, title, and interest in and to the following-described land, situated and lying in the county of Page and State of Iowa, to wit: The southeast quarter of *six by nine* section 21, township 69, range thirty-nine (39) west 5 P. M.

Signed the third day of November, 1868.

ORLANDO MEADS. [SEAL]

In presence of—
DEXTER REYNOLDS.

STATE OF NEW YORK,
Albany City and County, ss:

On this third day of November, 1868, before me, John Templeton, a notary public for the State of *State of* New York, in and for said
32 city and county, duly appointed, commissioned, and authorized, residing at the city of Albany, State of New York, personally came Orlando Meads, personally to me known to be the identical person whose name is affixed to the above instrument, as grantor, and acknowledged the same to be his voluntary act and deed for the purposes therein expressed.

In testimony thereof I have hereunto affixed my name and official seal, at Albany aforesaid, on the date last above written.

[SEAL.] (Signed) JNO. TEMPLETON,
Notary Public.

(Endorsed:) Quitclaim deed. Orlando Meads to D. W. Jones. Entered for taxation 187 . , auditor. Filed for record Dec. 30th, 1868, at 3 o'clock p. m. A. B. Cramer, recorder, and recorded in book 1, page 104.

33 EX. C.

Quitclaim deed.

Know all men by these presents that I, Orlando Meads, of the city of Albany and State of New York, in consideration of the sum of forty dollars in hand paid, do hereby quitclaim unto D. W. Jones, of Page Co., all my right, title, and interest in the following-described land, situated and lying in the county of Page and State of Iowa, to wit: The south half of the northeast quarter of section (21) twenty-one, township sixty-nine (69), range thirty-nine west 5th P. M., Iowa.

Signed the twenty-eight' day of December, 1868.

(Signed) ORLANDO MEADS. [SEAL.]

In presence of—
ROBERT T. SHERMAN.

STATE OF NEW YORK,
Albany City and County, ss:

On this twenty-eighth day of December, 1868, before me, Robert T. Sherman, a notary public for the State of New York, in and for said city and county duly appointed, commissioned, and authorized, resid-
34 ing at the city of Albany, State of New York, personally came Orlando Meads, personally to me known to be the identical person whose name is affixed to the above instrument as grantor, and acknowledged the same to be his voluntary act and deed for the purposes herein expressed.

In testimony whereof I have hereunto subscribed my name and affixed my official seal, at Albany aforesaid, on the date last above written.

[SEAL.] ROBERT T. SHERMAN,
Notary Public.

(Endorsed:) Quitclaim deed. Orlando Meads to D. W. Jones. Entered for taxation 187 . , auditor. Filed for record January 28, 1869, at nine o'clock a. m., and recorded in book 1, page 156. Dan J. Delong, recorder.

35 Ex. D.

Quitclaim deed.

Know all men by these presents that D. W. Jones and Hattie H. Jones, his wife, of the county of Page and State of Iowa, for the consideration of the sum of four hundred ($400.00) dollars in hand paid, hereby quitclaim to Everett Folger, of the county of Page and State of Iowa, all their right, title, and interest in the following-described real estate, situated and lying in the county of Page and State of Iowa, to wit: (½) the south half of the northeast quarter (¼) of section No. twenty-one (21), township No. sixty-nine (69), range No. 39 west 5th P. M. And the said Hattie H. Jones releases all her right of dower in and to the above-described premises.

In witness whereof we have set our hands this fourteenth day of March, A. D. 1870.

D. W. JONES.
HATTIE H. JONES.

In presence of—

36 STATE OF IOWA,
Page County, ss:

Before me, the undersigned, a justice of the peace in and for said county, personally appeared the above-named D. W. Jones and Hattie H. Jones, who are personally known to me to be the identical persons whose names are affixed to the foregoing deed as grantors, and acknowledged the same to be their voluntary act and deed for the purposes therein expressed.

Given under my hand fourteenth day of March, A. D. 1870.

(Signed) J. H. THOMAS, *J. P.*

(Endorsed:) Quitclaim deed. D. W. Jones et al. to Everett Folger. Entered for taxation, 187 . , auditor. Fee, $. Filed for record the 4 day of June, A. D. 1870, at 4 o'clock p. m., and recorded in book 6, page 90, of . Dan. J. Delong, recorder.

37 Ex. E.

Know all men by these presents that I, Everett Folger, of the county of Page and State of Iowa, for the consideration of the sum of two hundred dollars in hand paid, do hereby quitclaim with D. W. Jones, of Page County, State of Iowa, all my right, title, and interest in and to the following-described real estate situated and lying in Page County, State of Iowa, viz: the south one-half of the northeast quarter of section No. twenty-one (21), in township No. sixty-nine (69) north, and range No. thirty-nine (39) west.

Witness my hand this eight' day of June, A. D. 1870.

EVERETT FOLGER.

[25 cts. U. S. R. S., E. F., June 8, 1870.]

STATE OF IOWA.
Montgomery County, ss:

On this the 8th day of June, A. D. 1870, before me, the undersigned, notary public in and for said county, appeared the above-named Everett Folger, personally known to me to be the identical person whose
38 name is affixed to the foregoing instrument as grantor, and ac-

knowledge' the same to be his voluntary act and deed for the purposes thereinafter expressed.

Witness my hand and notarial seal the day & year above written.

[SEAL.] J. W. HEWITT,
Notary Public.

(Endorsed:) Quitclaim deed. E. Folger to D. W. Jones. Entered for taxation on the 12th day of Sept., 1870. W'm Alexander, auditor. Filed for record the 12th day of September, A. D. 1870, at five o'clock p. m. Recorded book No. 6, page 209, of Page Co. records. Dan. J. Delong, recorder.

39 EXHIBIT F.

Treasurer tax-deed.—Form (222½).

Know all men by these presents, that, whereas, the following pieces of real property situated in the county of Page and State of Iowa, viz: The northeast quarter of the southeast quarter of section twenty-one (21), in township sixty-nine (69) north, of range thirty-nine west, 5 P. M., Iowa. The northwest quarter of the southeast quarter of section twenty-one (21), in township sixty-nine (69) north, of range thirty-nine (39) west, 5 P. M., Iowa. The southwest quarter of the southeast quarter of section twenty-one (21), in township sixty nine (69) north, of range thirty-nine (39) west, 5 P. M., Iowa. The southeast quarter of the southeast quarter of section twenty-one (21), in township sixty-nine (69) north, of range thirty-nine (39) west, 5 P. M., Iowa. The southwest quarter of the northeast quarter of section twenty-one (21), in township sixty-nine (69) north, of range thirty-nine (39) west, 5 P. M. Iowa.

40 The southeast quarter of the northeast quarter of section twenty-one (21), in township sixty-nine (69) north, of range thirty-nine west, 5 P. M., Iowa, were each subject to taxation for the year 1866.

And whereas the taxes assessed upon said respective pieces of real property for the year aforesaid remained due and unpaid at the date of the sale herein named;

And whereas the treasurer of said county did, on the fourth day of November, A. D. 1867, by virtue of the authority in him vested by law, at the adjourned sale begun and publicly held on the first Monday of October, A. D. 1867, expose to public sale at the court-house, in the county aforesaid, in substantial conformity with all of the requisitions of the statute in such case made and provided, the several pieces of real property above and hereinafter described seperately, for the payment of the taxes, interest, and cost then due, and remaining unpaid on each of said pieces of real property, respectively;

41 And whereas, at the time and place aforesaid, Orlando Meads, of the county of Albany and State of New York, having offered to pay the sum of two (2) dollars and eighty (80) cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on the northeast quarter of the southeast quarter of section twenty-one (21), in township sixty-nine (69) north, of range thirty-nine (39) west, 5 P. M., Iowa, for the whole of said tract of land which was the least quantity bid for;

And whereas, at the time and place aforesaid, the said Orlando Meads having offered to pay the sum of two (2) dollars and eighty (80) cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on the northwest quarter of the southeast quarter of section twenty-one (21), in township sixty-nine (69) north, of range

thirty-nine (39) west, 5 P. M., Iowa, for the whole of said tract of land which was the least quantity bid for;

42 And whereas, at the time and place aforesaid, the said Orlando Meads having offered to pay the sum of two (2) dollars and eighty (80) cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on the southwest quarter of the southeast quarter of section twenty-one (21), in township sixty-nine (69) north, of range thirty-nine (39) west, 5 P. M., for the whole of said tract of land, which was the least quantity bid for;

And whereas, at the time and place aforesaid, the said Orlando Meads having offered to pay the sum of two (2) dollars and eighty (80) cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on the southeast quarter of the southeast quarter of section twenty-one (21), in township sixty-nine (69) north, of range thirty-nine west, 5 P. M., Iowa, for the whole of said tract of land, which was the least quantity bid for;

And whereas, at the time and place aforesaid, the said Orlando
43 Meads having offered to pay the sum of two (2) dollars and eighty (80) cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on the southwest quarter of the northeast quarter of section twenty-one, in township sixty-nine (69), north of range thirty-nine (39) west, 5 P. M., Iowa, for the whole of said tract of land, which was the least quantity bid for;

And whereas, at the time and place aforesaid, the said Orlando Meads having offered to pay the sum of two (2) dollars and eighty (80) cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on the southeast quarter of the northeast quarter of section twenty-one (21), in township sixty-nine (69), north of range thirty-nine (39) west, 5 P. M., Iowa, for the whole of said tract of land, which was the least quantity bid for;

44 And payment of the said several sums of money having been by him made to the said treasurer, the said respective pieces of property were respectively stricken off to him at the respective prices aforesaid;*

Whereas the said Orlando Meads did, on the 5th day of February, A. D. 1868, duly assign the certificate of the sale of the property as aforesaid, and all his right, title, and interest to said property to Dexter Reynolds, of the county of Albany and State of New York;

And whereas the said Dexter Reynolds did, on the 20th day of December, A. D. 1870, duly assign the certificate of the sale of the property as aforesaid, and all his right, title, and interest to said property to D. W. Jones, of the county of Page and State of Iowa;

And whereas three years have elapsed since the date of said sale, and the said respective pieces of property have not been redeemed therefrom as provided for by law, nor either of them, nor any part thereof:

45 Now, therefore, I, Henry Loranz, treasurer of the county aforesaid, for, and in consideration of, the said several sums of money to the treasurer paid as aforesaid, and by virtue of the statute in such case made and provided, have granted, bargained, and sold, and by these presents do grant, bargain, and sell unto the said Daniel W. Jones, his heirs and assigns, the several pieces of real property which

* NOTE.—This blank is to be filled up only in cases where the certificate of purchase has been assigned to a third party, and to whom the deed is made, and should be filled up as per form in revision of 1860, page 124, third line from top.

were stricken off to him at the said *at the said* sale, as hereinbefore described, to have and to hold unto him, the said Daniel W. Jones, his heirs and assigns, forever; subject, however, to all the rights of redemption provided by law.

In witness whereof I, Henry Loranz, treasurer as aforesaid, by virtue of the authority as aforesaid, have hereunto subscribed my name on this 26th day of February, A. D. 1873.

HENRY LORANZ,
Treasurer.

46

STATE OF IOWA,
Page County:

I hereby certify that before me, W. M. Alexander, a notary public in and for said county, personally appeared the above-named Henry Loranz, treasurer of said county, personally known to me to be the treasurer of said county at the date of the execution of the above conveyance, and to be the identical person whose name is affixed to, and who executed the above conveyance as treasurer of said county, and who acknowledged the execution of the same to be his voluntary act and deed as treasurer of said county, for the purposes therein expressed.

Given under my hand and seal this 26th day of February, A. D. 1873.

[SEAL.] W. M. ALEXANDER,
Notary Public.

47 (Endorsed:) Treasurer's tax-deed. H. Loranz, treasurer of Page County, to D. W. Jones. Filed for record on the 26th day of February, A. D. 1873, at 3 o'clock p. m. Recorded in book 2, page 120. Fees, . Thomas Wallace, co. recorder, Page County, Iowa. deputy.

Stamp duties.

When the consideration is	any amount not over			$500	$0.50
	over	$500	" "	1,000.....	1.00
	"	1,600	" "	1,500.....	1.50
	"	1,500	" "	2,000.....	2.00
	"	2,000	" "	2,500.....	2.50
Every additional $500, or fractional part thereof.....					0.50

When given as a release of a mortgage, exempt.

Legal and conveyancing blanks of all descriptions printed and sold by Mills & Co., book and job printers, blank-book manufacturers,
48 booksellers and stationers, No. 46 Court avenue, Des Moines, Iowa.

Transferred Feb. 26th, 1872.

W. M. ALEXANDER,
Auditor.

(Endorsed:) Michael Hurley vs. D. M. Jones. Answer. Filed Mar. 10, 1873. George B. Corkhill, clerk. Sapp, Lyman & H.

49 And afterwards, to wit, on the 13th day of May, the same being of the May term, 1873, of said court, there appears in the records of the proceedings thereof in said cause the following entry, to wit:

United States circuit court, district of Iowa, May term, 1873.

TUESDAY, *May* 13, 1873.

M. HURLEY
vs. } No. 339. Eq.
D. W. JONES.

This cause comming on this day for hearing, comp't is given leave to file reply during this term, and it is ordered that the time to take testimony herein be extended till next term, and that the cause be continued.

50 And afterwards, to wit, on the 14th day of March, 1873, said complainant, by his said attorneys, filed his replication in said cause, which said replication is in the words and figures following, to wit:

Replication.

In the circuit court of United States, district of Iowa.

MICHAEL HURLEY
vs. }
D. W. JONES.

The repliant, saving and reserving unto himself all and all manner of advantage of exceptions to the manifold insufficiencies of the
51 said answer, for replication thereunto, saith that he will aver and prove his said bill to be true, certain, and sufficient in the law to be answered unto, and that the said answer of the said defendant is uncertain, untrue, and insufficient to be replied unto by this repliant. Without this, that any other matter or thing whatsoever in the said answer contained material or effectual in the law to be replied unto, confessed, or avoided, traversed, or denied, is true. All of which matters and things this repliant is and will be ready to aver and prove as this honorable court shall direct, and humbly prays as in and by his said bill he hath already prayed.

(S'g'd) PHILLIPS & PHILLIPS,
Sol's for Complainant.

(Endorsed:) U. S. circuit court. Michael Hurley vs. D. W. Jones. Replication. Filed May 14, 1873. George B. Corkhill, clerk. Phillips & Phillips, sol's for comp.

52 And afterwards, to wit, on the 24th day of October, A. D. 1873, said complainants, by his said attorneys, filed an affidavit for continuance in said cause, which said affidavit is in the words and figures following, to wit:

53 *Affidavit for continuance.*

United States circuit court for the district of Iowa.

MICHAEL HURLEY
vs. } Equity.
D. W. JONES.

STATE OF IOWA,
Polk County:

Michael Hurley, being duly sworn, says that he is the plaintiff or com-

plainant in this action; that one Henderson is a material witness for him, without whose testimony he cannot safely proceed to trial in this cause; that said Henderson was, until lately, for a number of years a resident of Clarinda, Page County, Iowa, but he is not now residing there; that deponent, who is a resident of Bladensburg, in the State of Maryland, has made divers and repeated inquiries by letter of persons residing in Clarinda, Page County, Iowa, as to the whereabouts and present place of residence of said witness, in the hope and with
54 the view of having his testimony in readiness for this term of court; that he has been unable to ascertain the whereabouts or present place of residence of said witness until about two weeks ago, which did not give him time enough to have the deposition of said witness for this term of court; that said witness resides in Indianapolis, in the State of Indiana, and that his testimony can be procured for the next term of this court, as deponent verily believes.

Deponent further states that he expects to prove by said witness that he was in attendance upon the tax-sale of November, 1864, held in Clarinda, Page County, Iowa, as deputy clerk of the board of supervisors of said county; that complainant's lands in controversy in this suit were not publicly sold at said sale; that there was an illegal combination between buyers for the produce of deponent's lands at that sale, and
55 that deponent's said lands were taken and bought up privately, without any public sale, by persons confederated together as aforesaid. Deponent further states that he believes all the above-stated facts to be true, and that he knows of no other witness by whom the same can be fully proved. Deponent further says that it was understood and agreed that he himself, and not Phillips & Phillips, his solicitors, should attend to getting the deposition of said witness.

MICHAEL HURLEY.

Subscribed and sworn to before me and in my presence by the said Michael Hurley this 17th day of October, 1873.

(Signed) LOUIS RUTTKAY,
Notary Public.

{ LOUIS RUTTKAY, NOTARIAL SEAL. IOWA. }

(Endorsed:) U. S. circuit court. Equity. Micheal Hurley vs. D. W. Jones. Affidavit for continuance. Filed Oct. 24, '73. George B. Corkhill, clerk.

56 On the same day, to wit, Oct. 24, 1873, said respondent, by his said att'ys, filed in said clerk's office, in said cause, his objections to affidavit for continuance; which said objections are in the words and figures following, to wit:

57 *Objection to affidavit for continuance.*

In U. S. circuit court, district of Iowa.

MICHAEL HURLEY *vs.* D. W. JONES. } Equity. No.

Comes now the defendant and excepts to the affidavit for continuance, filed herein, as follows:

1st. Said affidavit does not show facts constituting due diligence to obtain the testimony of the absent witness.

2nd. Said affidavit does not state facts constituting reasonable grounds to believe that the said testimony will be obtained at the next term of this court.

3d. Said affidavit does not state any material facts to be proved by said witness.

SAPP, LYMAN & H.,
Att'ys for Def'ts.

58 (Endorsed:) Michael Hurley vs. D. W. Jones. Equity. Exceptions to affidavit for a continuance. 339. Filed Oct. 24, '73. George B. Corkhill, clerk. Sapp, Lyman & H.

59 And afterwards, to wit, on the 29 day of October, the same being of the October term, 1873, of said court, there appears in the records of the proceedings thereof in said cause the following entry, to wit:

United States circuit court, district of Iowa.—October term, 1873.

WEDNESDAY, *October* 29, 1873.

M. HURLEY
vs.
D. W. JONES. } No. 339. Eq.

This cause comming on for hearing, was continued with leave to take testimony, as follows:

Complainant to have three months from November rule day to close his testimony, and respondent to have three months thereafter to close his.

60 Afterwards, to wit, on the 10th day of November, A. D. 1873, said complainant, by his said attorneys, filed in said clerk's office his bond for costs in said cause, which said bond is in the words and figures following, to wit:

Circuit court, October term, A. D. 1873.

UNITED STATES OF AMERICA,
District of Iowa, ss:

M. HURLEY
vs.
D. W. JONES. } In equity.

I enter myself security for costs in this cause, and promise to pay all costs which may accrue to the opposite party in this action, or to any of the officers of this court; and in default of payment by the plaintiff of any costs ordered or adjudged to be paid by him, hereby agree and stipulate that execution may issue against my property for any costs taxed against him.

Dated this 3rd day of November, A. D. 1873.

(S'g'd) JEFF. WILLIAMS.

(Endorsed:) No. 339. Eq. Circuit court of the United States, district of Iowa. Filed Nov. 10, 1873. George B. Corkhill, clerk.

61 Afterwards, to wit, on the 6th day of February, A. D. 1874, the said complainant, by his said attorneys, filed in said clerk's office an amendment to his bill of complaint in said cause, which said amendment is in the words and figures following, to wit:

62 *Amendment to the complainant's bill.*

In circuit court United States, dist. of Iowa. In chancery.

MICHAEL HURLEY
vs.
D. W. JONES.

And now, Jan'y 30th, 1874, the issues having been joined in this cause, and complainant having proceeded with his proofs, and the matter and things in such proofs disclosed rendering it necessary for the complainant to further amend his bill of complaint herein, complainant reaffirming and reiterating all of the allegations and averments in his bill of complaint heretofore pleaded, save and except those relating to his ignorance of respondent's alleged claim of title, &c., he here now, by leave, further amends his said bill of complaint, and says that he is now advised, and so changes the facts to be, that at said law tax-sale,
63 so held in Nov., A. D. 1864, and at which defendant claims said lands in controversy were sold for taxes, and under which sale the defendant now claims title to said lands, there was an unlawful and fraudulent combination and agreement entered into by and between the principal bidders at said sale, including the person who bid off the lands in controversy, that each one should take a certain portion or part of the county of Page in which to purchase lands sold for taxes at said sale, and it was then and there understood, and they agreed to and with each other, not to interfere with or bid against each other, and that each one purchased at such sale in pursuance of such agreement and understanding without competition, including the said Orlando Meads and his agents, in their purchasing the lands in controversy in this suit. And your orator further says that at one of the principal purchases at such sale was one J. S. McIntyre, the then clerk of
64 the treasurer of said county of Page, and who acted for said treasurer in keeping the records of such sales and in conducting the same sale at which said land in controversy were sold to said Orlando Meads, and who was a party by common consent to the foregoing understanding and agreement and arrangement so entered into by and between the principal bidders at said sale, including the said O. Meade and his agents, and the said McIntyre, not to bid against each other, as hereinbefore set forth. And complainant says that the said alleged sale of said lands in controversy at said alleged tax-sale held in November, 1864, and the alleged purchase of said lands by said Orlando Meads, and all the acts connected therewith, were fraudulent and void, and conferred no title, either legal or equitable, upon the said Orlando Meads, or upon the defendant herein.

Complainant further says that all of the facts aforesaid were well known to defendant and to his grantors at and before the pur-
65 chase by them severally of said lands; that the same has only been conveyed by quit-claim from said O. Meads to defendant under such tax-title based upon said fraudulent and void sale made as aforesaid; that said defendant claims no title to any of said lands under grant from the United States, or from or under the line of complainant's

title, nor has complainant been in any manner connected with defendant's alleged title, which he now claims exists under the laws of Iowa and the execution of the honors conferred thereby. And your orator says that said alleged title of defendant being fraudulent and void in its inception, as aforesaid, the same is also, as to complainants herein, fraudulent and void in the hands of defendant, whose pretended title is in no manner connected with or derived from the line of complainant's title.

Wherefore your orator prays as in his original and amended bill he hath already prayed.

MICHAEL HURLEY,
Complainant.

66 PHILLIPS & PHILLIPS,
Solicitors.

We hereby consent, without order of court, therefore, that complainant may withdraw replication & file this amendment as of filing rule-day, 1874, to amend answer, if he shall be so advised, and plaintiff naming ve'ification of same.

Febr'y 4, 1874.

SAPP, LYMAN & HANNA,
Att'ys for Def'd't.

(Endorsed:) U. S. C. court. M. Hurley vs. D. W. Jones. Amendment to bill filed by consent of counsel Feb'y 6, 1874, as of Feb'y 2, 1874. George B. Corkhill, clerk. Phillips & Phillips, for comp't.

67 Afterwards, to wit, on the 10th day of Feb'y, 1874, said respondent, by his said attorneys, filed in said clerk's office his answer to the amendment to complainant's bill in said cause, which said answer is in the words and figures following, to wit:

68 *Answer to amendment to bill.*

In the circuit court of the United States in and for the district of Iowa

MICHAEL HURLEY
vs.
D. W. JONES.

Now comes the defendant herein, and by way of amendment to his answer herein, and as an answer to amendment to compl't's bill, says he reaffirms on the matters and things in his original answer set out and alleged; he denies that at the tax-sale of November, 1864, in said bill and answer mentioned, there was any unlawful or fraudulent combination or agreement entered into by and between the bidders at said sale, including the agent who purchased at said sale the lands in controversy for Orlando Meade and also the parties conducting said sale, whereby it was agreed and understood that each should take a certain part of the county of Page in which to buy at said sale, and that
69 they should not interfere with or bid against each other at said sale; denies that said lands were sold without competition, and that the lands in controversy herein were so purchased; denies that one of the principal purchasers at said sale was J. S. McIntyre, the then clerk of the treasurer of said county, and who acted for said treasurer in keeping the record of said sale and in conducting the sale at which the lands in controversy were bid off by Orlando Meade; and denies that

he was a party to any unlawful or fraudulent combination or agreement at said sale among the bidders thereat not to bid against each other; denies that the sale of the lands in controversy herein, at the said tax-sale of 1864, was fraudulent and void, and conferred no title upon Orlando Meade and his grantor. He denies that he had any knowledge at the time he purchased the land in controversy that there was any unlawful or fraudulent agreement or combination in reference
70 thereto, but he says he believed the same to be legal and valid, and that he is the bona fide of said title, as in his original answer prayed.

SAPP, LYMAN & HANNA,
J. M. BRIGGS,
Solicitors for Def'd't.

D. W. JONES,
Def'd't.

(Endorsed:) Michael Hurley vs. D. W. Jones. In U. S. circuit court. No. equity. Amendment to ans., and answer amend. to bill. Filed Feb. 10, 1874. George B. Corkhill, clerk. Sapp, Lyman & H. J. M. Briggs.

71 Afterwards, to wit, on the 6th day of April, A. D. 1874, said complainant, by his said attorneys, filed in said clerk's office his replication in said cause, which said replication is in the words and figures following, to wit:

72 *Replication.*

In the circuit court of the United States, district of Iowa. In equity.

MICHAEL HURLEY }
vs. }
D. W. JONES. }

This repliant, saving and reserving to himself all and all manner of advantage of exception which may be had and taken to the manifold errors, uncertainties, and insufficiency of the answer and amended answer of defendant, and for replication thereto saith, that he doth and will maintain, aver, and prove his said bill to be true, certain, and sufficient in law to be answered unto by the said defendant, and that the answers of said defendant are uncertain, evasive, and insufficient in the law to be replied unto by repliant. Without this, that any other
73 matter or thing in the said answer contained material or effectual in the law to be replied unto, and not herein well and sufficiently replied unto, traversed, confessed, avoided, or denied, is true. All of which matters and things this repliant is ready aver, maintain, & prove as this hon. court shall direct. And he prays as in and by his original and amended bill he hath already prayed.

M. HURLEY,
Complainant.

PHILLIPS & PHILLIPS,
His Solicitors.

(Endorsed:) M. Hurley vs. D. W. Jones. Replication to answer. Filed Apr. 6, 1874. George B. Corkhill, clerk. Phillips & Phillips, for repliant.

74 On the 19th day of Jan'y, A. D. 1874, there was filed in said clerk's office a stipulation of parties in said cause, which said stipulation is in words and figures following, to wit:

United States circuit court, dist. of Iowa. In chancery.

M. HURLEY
vs.
D. W. JONES.

We consent that the clerk may open any depositions on file in the above cause.

Jan'y 17th, 1874.

(S'g'd) PHILLIPS & PHILLIPS,
Att'ys Compl't.
J. M. BRIGGS & SAPP, LYMAN & HANNA,
For Defendant.

(Endorsed:) Filed Jan. 19, 1874. George B. Corkhill, clerk.

75 And on the 23d day of January, A. D. 1874, there was filed in said clerk's office and order appointing examiner in said cause, which said order is in the words and figures following, to wit:

M. HURLEY
vs.
D. W. JONES. } No. 339. Equity.

In this cause it is ordered that W'm A. Park, esq., of Des Moines, Iowa, be, and he is hereby, appointed a special examiner of this court to take depositions of witnesses herein.

(Signed) J. M. LOVE,
Dist. Judge.

(Endorsed:) Michael Hurley vs. D. W. Jones. Filed Jan. 23, 1874. George B. Corkhill, clerk.

76 Afterwards, on the 18th day of February, A. D. 1874, there was filed in said clerk's office a stipulation of parties in said cause, which said stipulation is in the words and figures following, to wit:

77 In the circuit court of the United States in and for the district of Iowa. Equity.

MICHAEL HURLEY
vs.
D. W. JONES.

It is hereby stipulated and agreed by and between the parties hereto that W. W. Russell, esq., of Clarinda, Page County, Iowa, shall be appointed by the clerk of said court an examiner to take the testimony in said case on the part of the defendant, and that said testimony shall be taken at the office of the clerk of the district court of Page County, Iowa; and said examiner to give the parties to this action ten (10) days' notice of the time when he will take such evidence and testimony. But this agreement is not to be construed as our giving consent to the appoint-

ment of an examiner or the taking of testimony until after issue joined or answer to amended bill is waived.

Feb'y 9th, 1874.

PHILLIPS & PHILLIPS,
Att'ys for Compl't.

J. M. BRIGGS,
Att'y for Respondent.

78 In the circuit court of the United States in and for the district of Iowa. Equity.

MICHAEL HURLEY
vs.
D. W. JONES.

Let commission issue to W. W. Russell, esq., clerk of district court of Page County, Iowa, as examiner to take testimony in the above-entitled cause on the part of the defendant. Said testimony to be taken at the office of said clerk of district court in Clarinda, Page County, Iowa, after giving ten (10) days' notice to the parties to this action of the time when said *said* examiner will take said testimony and evidence, as per stipulation and agreement dated Feb. 9, 1874.

J. M. BRIGGS,
Attorney for Respondent.

(Endorsed:) U. S. circuit court, district of Iowa. M. Hurley vs. D. W. Jones. Filed Feb. 18, 1874. George B. Corkhill, clerk.

79 Afterwards, to wit, on the 12th day of May, the same being of the May term, 1874, of said court, there appears in the records of the proceedings thereof in said cause the following entry, to wit:

United States circuit court, district of Iowa. May term, 1874.

TUESDAY, *May* 12, 1874.

M. HURLEY
vs.
D. W. JONES, } No. 339. Eq.

This cause comming on this day, Phillips & Phillips appearing for complainant, and Sapp & Lyman for defendant, by consent of parties it is ordered that the time for taking proofs be extended to next term, and that the cause stand continued. It is further ordered that J. Lyman be permitted to take the papers in this case home with him, leaving his receipt therefor with the clerk, the same to be returned to the clerk's office during this term.

80 Afterwards, to wit, on the 29th day of October, the same being of the October term, A. D. 1874, of said court, there appears in the records of the proceedings thereof in said cause the following entry, to wit:

United States circuit court, district of Iowa. October term.

THURSDAY, *Oct.* 29, 1874.

M. HURLEY
vs.
D. W. JONES. } No. 339. Eq.

This cause came on this day and was submitted to the court upon the

pleading and exhibits & proofs, and was argued by counsel, Mess. Phillips & Phillips for the complainant, and Mess. Sapp & Lyman for the defendant, and the cause was taken under advisement by the court.

81 And upon the trial of said cause, said complainant, to sustain the issues on his part, introduced and read in evidence certain documents and depositions, of which the following are true copies:

82 In circuit court United States, district of Iowa. In equity.

MICHAEL HURLEY
vs.
D. W. JONES.

To said defendant and his att'ys:

You are hereby notified that complainant in the above cause desires the evidence to be adduced in said cause to be taken orally, and that application will be made to Hon. J. M. Love, one of the judges of said court, for the appointment of an examiner to take the proofs upon part of compl't, unless you agree that the clerk of said court may appoint such examiner.

PHILLIPS & PHILLIPS,
Att'ys for Compl't.

We accept service of above notice this 20th day of Dec., '73, and consent that the clerk may appoint examiner, provided said examiner be a resident of Clarinda, Page County, Iowa, and that said examiner be required to give ten days' notice of taking testimony.

83 SAPP, LYMAN & HANNA,
D. M. BRIGGS,
Att'ys for Defendant.

Dedimus protestatem.

Circuit court of the United States, district of Iowa, *ss:*

To H. H. Scott, Clarinda, Page County, Iowa, greeting:

Know ye, in confidence of your prudence and fidelity, you have been appointed, and by these presents you are invested with full power and authority, to examine any and all witnesses who may be brought before you, on their corporal oaths, as witnesses in a cause depending in the circuit court of the United States for the district of Iowa, wherein Michael Hurley is plaintiff and D. W. Jones is defendant, on the part of the pl'ff; and, therefore, you are hereby commanded that, at certain days and places to be appointed by you for that purpose, you do cause the said witnesses to come before you, and then and there exam-

84 ine them on oath. That the interrogatories and cross-interrogatories propounded to said witnesses you shall cause to be written out, and the answers thereto to be inserted immediately following the respective interrogatories. That you cause the whole to be read over to the witnesses, and the same to be subscribed by them, and duly sworn to before you. That you take said deposition in accordance with your certificate, which you will attach to the deposition of each separate witness, stating that it was subscribed and sworn to by the said witness at the time and place therein mentioned. That you then seal up the whole, including this commission, and the interrogatories hereto an-

nexed, all enclosed in one envelope, and return the same to the clerk of the United States circuit court at Des Moines, Iowa. That you endorse on the outside of said envelope thus directed the title of the cause in which the deposition is to be used, and that you execute this com-
85 mission with all convenient speed.

Witness the honorable Nathan Clifford, sen'r associate justice of the Supreme Court of the United States, this 22nd day of December, 1878, and in the 98th year of the Independence of the United States of America.

Attest:

SEAL OF THE CIRCUIT COURT OF THE U. S., DISTRICT OF IOWA.

GEORGE B. CORKHILL,
Clerk of United States Circuit Court,
District of Iowa.

86 (Endorsed:) M. Hurley vs. D. W. Jones. Com. to take depos. Read car'fully. Stipulation and service.

In the circuit court of the United States, district of Iowa. In equity.

MICHAEL HURLEY
vs.
D. W. JONES.

To the defendant, D. W. Jones, or to Mess'rs Sapp, Lyman & Hanna, or to J. M. Briggs, esq., the attorneys for the defendant:

GENTLEMEN: You are hereby notified that on the sixth day
87 of January, 1874, at the office of H. H. Scott, esq., in the town of Clarinda, Page County, Iowa, and at the hour of 10 o'clock a. m. of said day, and before said H. H. Scott, an examiner appointed by the court for that purpose, the plaintiff will proceed to take the depositions of J. S. McIntyre and other witnesses then to be produced; said depositions, when taken, to be used in evidence upon the trial of the above-entitled cause upon the part of the plaintiff. You can be present and cross-examine said witness if you see proper.

W. P. HEPBURN,
Att'y for Plaintiff.

Due and legal service of the within notice this day accepted by me at Clarinda, Page County, Iowa.
December 24th, 1873.

Att'y for Defendant.

This notice came into my hands Dec. 24th, 1873, and I certify that on the same day I personally served the same by reading the same
88 to him, and delivering to him a true copy of the same in Page County, Iowa.

ISAAC DAMERWOOD,
Sheriff of Page County, Iowa.

Service, 50; mileage, 10; copy, 20—80.

(Endorsed:) Circuit court United States, dist. of Iowa. Michael Hurley vs. D. W. Jones. Notice of taking depositions before examiner.

Objections to depositions of witnesses being taken before Examiner H. H. Scott.

In the circuit court of the United States, district of Iowa.

M. HURLEY
vs.
D. W. JONES.

And now, upon the introduction of N. B. Moore, a witness for pl'ff in the above-entitled cause, plaintiff's attorney, W. P. Hepburn, asked the witness the questions: "What is your name, age, and place of
89 residence, and occupation?" To which question defendant at the time objected, and now does object; and further objects to said witness being examined before said H. H. Scott, esq., examiner appointed by said court, because that said Scott one of the attorneys for the plaintiff, and because he is the law partner of W. P. Hepburn, esq., one of the attorneys of record for plaintiff, and because he is interested in the result of this action.

Def't's counsel asked that said objection be made part of the record of the said examination, which the said examiner refused.

J. M. BRIGGS,
Counsel for Def't.

In the circuit court of the United States, district of Iowa.

M. HURLEY
vs.
D. W. JONES.

On the sixth day of January, A. D. 1874, before me, H. H. Scott, appearing pl'ff, M. Hurley, by his attorney, W. P. Hepburn, and de-
90 fendant, D. W. Jones, appearing by his attorney, J. M. Briggs; and N. B. Moore, a witness on the part of pl'ff, appearing, and being first duly sworn to make true answers, deposes, answers, and says as follows, to wit:

Direct examination:

Int. 1. State your name, age, and place of residence, and occupation.

Ans. to int. 1. My name is N. B. Moore; age, forty one years; residence, Clarinda, Page County, Iowa; my occupation, banker and land-broker.

Int. 2nd. Are you acquainted with the parties to this suit; and, if yea, how long have you known them respectively?

Ans. int. 2. I am acquainted with both of them; known the defendant from the time he became a resident of this county, which was in 1867 or in 1868; have known Hurley since 1869.

Int. 3rd. State if you are acquainted with James Callanan, the defendant's grantor in the lands in controversy.

91 Ans. to int. 3rd. I am.

Int. 4th. State, if you know, who bought the lands in controversy at the sale for delinquent taxes in Page County, in the year, 1894.

Answer to interrogatory 4th. It was bought by J. Solomon, in the name of Orlando Meads.

Interrogatory 5th. State, if you know, when the sale for delinquent

taxes for the year 1864 first occurred, and to what time it was adjourned, if adjourned at all.

Answer to interrogatory 5th. It occurred on the first Monday of October in that year, and was adjourned to the 20th of November of that year.

Interrogatory 6th. State who were the principal buyers of the lands sold at that adjourned sale, held on the 21st and the 22 and the 23rd days of November.

Answer to interrogatory 6th. J. E. McIntyre, O. Meads (by J.
92 Solomon), J. R. Morledge, with one Butler, and myself.

Interrogatory 7th. State how many pieces of land were sold at the adjourned sale on the 21st and the 22nd and the 23rd days of November.

Answer to interrogatorie 7th. About eight hundred.

Interrogatory 8th. State if there was any competition for any of said lands, and was the tax due upon any of said tracts paid for less than the whole of the tract upon which said tax was due.

Answer to interrogatory 8th. There was no bidding against one another. An arrangement was made between M'r Solomon, who bought for O. Meads, and M'r Butler, McIntyre, Morledge, and myself, by which each one took a certain part of the county on which to buy, and
93 agreed not to interfere with or bid against each other. I bought what I wanted, and so each of the others, in the districts agreed upon, without any interference from the other buyers.

Interrogatory 9th. State if the lands in controversy were bought without competition, in pursuance with this arrangement, by M'r Solomon.

Answer to interrogatorie 9th. They were.

Interrogatorie 10th. State who acted as clerk or deputy for the treasurer at the sale you have been speaking about, and who kept the sale-book, and who made the entries therein.

Answer to interrogatorie 10th. J. S. McIntyre, the greater portion of the time.

Interrogatorie 11th. Was it the J. S. McIntyre who you have spoken of before in this deposition?

94 Answer to interrogatorie 11th. Yes.

Interrogatorie 12th. About how many pieces of land did he, McIntyre, buy at this sale?

Answer to interrogatorie 12th. Forty pieces.

Interrogatorie 13. State if there was any sale on the 20th day of November, the day to which the sale was adjourned on the 4th day of October.

Answer to interrogatorie 13th. Not to my knowledge.

Interrogatorie 14th. State if you would have been likely to know if there had been such a sale.

Answer to interrogatorie 14th. I am satisfied that I would have known it.

Interrogatorie 15th. State if there was any adjournment from
95 the 4th day of October to the 21st day of November, or from the 20th day of November to the 21st of November.

Answer to interrogatorie 15th. There was none from the 4th of October to the 21st of November. I think that the treasurer offered to sell on the 20th, but there was no buyers, and he adjourned to the 21st.

Interrogatorie 16th. State if the arrangement by which competition was avoided had been perfected at the time the treasurer offered the lands, on the 20th?

Answer to interrogatorie 16th. It had not.

Interrogatorie 17th. State if at any time you have had conversation with the defendant, Jones, about the time he was negotiating with Callanan for the purchase of the lands in controversy; and, if yea, what did you say to him about the tax-sale of 1864, at which time Meade and Callanan acquired their title?

96 Answer to interrogatorie 17th. I did have several conversations with M'r Jones prior to and about the time of the purchase of these lands from Calanan. I cannot give the language that I used in reference to that sale when talking to M'r Jones about it. M'r Jones and I both were dealing in lands, and several conversations took place about the validity of the sale of 1864, the manner of the sale, and the agreement that was made between the purchasers, and the fact that a goodly number of the tract of lands were sold in subdivisions greater that forty acres. During these conversations the agreement between the purchasers were frequently spoken of, as well as some of the lands having been sold in a bulk, and the effect that it would have upon the validity of the sale, were the subjects of considerable conversation between us.

97 Interrogatorie 18th. State what conversation you have had with M'r Callanan, respecting the sale in November, 1864, and the arrangement entered into by the buyers.

Answer to interrogaterie 18th. We have talked about it frequently, and discussed it since the winter of 1868–'9.

Interrogatorie 19. State if at the time (winter of 1868–'9) mentioned in the last answer, M'r Callanan was advised of the arrangement made, referred to in the 8th answer.

Answer to interrogatorie 19th. I do not know whether he was or not, prior to that time. I told him what the facts were in that conversation.

Cross-examination:

98 Cross-interrogatorie 1st. State whether the parties named in answer to your sixth interrogatorie were all the persons who purchased lands at the tax-sale of the 21st and the 22nd and the 23rd days of November, 1864, in Page County, Iowa.

Answer to cross-interrogatorie 1st. They were not. John Cross bought one tract on the 21st, and W. S. Bodwell, one tract; George McCullough one piece on the 22nd; R. C. Murphey, on the 23rd, one piece, and Sidney Schrodie four pieces; James Hill, two; Lewis Conner, one; A. J. McWhitney, one. Whenever any one from the country came in and wanted a tract of land, yielded and let him have it.

Cross-int. 2. Were the parties you have last named parties to the agreement referred to in your answer to your eighth interrogatorie?

Ans. to cross-int. 2. They were not.

99 Cross-interrogatorie 3d. Why do you say in your answer to ninth interrogatorie-in-chief that the lands in controversy were bo't without competition, and pursuance to the arrangement refered to?

Ans. to cross-int. 3d. Because M'r Butler, McIntyre, Morledge, and myself refrained from bidding for these lands in consequence of said agreement.

Cross-int. 4th. State if you know, and how you know, that these lands were sold on any of the days mentioned in November, 1864.

Ans. to cross-int. 4th. I was there when they were sold, and know that they were sold at that sale; and, in the next place, I know from the record of tax-sales of Page County.

Cross-int. 5th. State whether your answers to the 6th, 7th, 9th. & 12th interrogatories-in-chief are given from your own knowledge or from examination of records, or from other sources?

100 Ans to cross-int. 5th. The 6th from my own knowledge, and from an examination of the records. The 7th, I arrive at my answer from the records. Personally I know that a large number were sold. In the 9th from my own personal knowledge, and the 12th I arrived at the exact number from the records. I know, personally know, that he bought quite a number, for afterwards they were assigned to the firm of Moore and McIntyre, and I was present when he made the purchase.

Cross-int. 6th. State when it was you had your conversation with defendant refered to in your answer to interrogatory 17th in chief.

Ans. to cross-int. 6th. I am unable to fix the exact date to it, or any of them. I know it to have been prior to his purchase from Callanan.

Cross int. 7th. State how you know it to have been prior to his purchase from Callanan?

101 Answer to cross-int. 7. I know it in two ways: 1st, from M'r Jones' statement that he had under consideration a purchase from Callanan of these lands, and that subsequent to some of these conversations he told me that he had brought them; and, secondly, I know it because I was negotiating with Callanan for land bought at the same sale, and at that time I know from Jones' conversation that he had not bought but thought he would, and we were talking about the advisability of his purchase and my own.

Cross-int. 8. State when M'r Jones purchased the lands in controversy.

Answer to cross 8th. I cannot fix the time from memory.

(Signed) N. B. MOORE.

Subscribed and sworn to by N. B. Moore in my presence this 6th day of January, A. D. 1874.

102 H. H. SCOTT,
Commissioner.

STATE OF IOWA,
Page County, ss:

I, H. H. Scott, do hereby certify that, in pursuance of the commission and notice hereto annexed, I caused to come before me N. B. Moore, at Clarinda, Page County, Iowa, at my office, on the 6th day of January, A. D. 1874, between the hours of 10 o'clock a. m. and 3 o'clock p. m., who was then and there by me duly sworn and examined, and this examination reduced to writing, and, after being read over by him, was subscribed and sworn to by him at the time & place mentioned, before me and in my presence; that his answers were placed immediately underneath the interrogatories in the language of the witness, near as practicable, in my writing. And I further certify that W. P.

103 Hepburn, esq., was present, and conducted said examination on the part of the plaintiff, and James M. Briggs, esq., was present and conducted said cross-examination on the part of defendant. I further certify that I am a resident of Clarinda, Page County, Iowa, and I further certify that I gave ten days' notice to defendant, through his attorney, James M. Briggs, of the time and place where the above deposition would be taken. I further certify that said Ja's M. Briggs filed with me the paper hereto annexed and marked "Exhibit A."

Given under my hand this sixth day of January, A. D. 1874.

HERBERT H. SCOTT,
Commissioner.

Fees:

N. B. Moore, 1 day's attendance and 1 mile mileage	$1 10
Sheriff fees	80
Commissioners' fees	$15 00
	$16 90

104 In the circuit court of the United States for the district of Iowa.

M. HURLEY
vs.
D. W. JONES.

STATE OF IOWA,
Page County, ss:

I, Herbert H. Scott, on my oath do say that I will well and faithfully and to the best of my ability perform, all and singular the duties required of me as a commissioner appointed by the circuit court of the United States within and for the dist. of Iowa, to take testimony in a cause therein pending, wherein M. Hurley is plaintiff & D. W. Jones is defendant. So help me God.

(Signed) HERBERT H. SCOTT.

Subscribed in my presence & sworn to before me this 6th day of January, 1874, by Herbert H. Scott.

105 T. E. CLARK, NOTARIAL SEAL, CLARINDA, IOWA. T. E. CLARK, *Notary Public.*

(Endorsed:) In the circuit court of the United States in and for dist. of Iowa. Michael Hurley vs. D. W. Jones. Deposition of N. B. Moore. Opened & filed by stipulation, Jan'y 19, '74. George B. Corkhill, clerk.

106 *Dedimus protestatem.*

Circuit court of the United States, district of Iowa, *ss:*

To William A Park, greeting:

Know ye that, in confidence of your prudence and fidelity, you have been appointed, and by these presents you are invested, with full power and authority to examine any and all witnesses that may be brought before you, or their corporal oath, as witnesses in a cause depending in the circuit court of the United States for the district of Iowa, wherein Michael Hurley is complainant and D. W. Jones is respondent, on the part of the complainant. And, therefore, you are hereby commanded that, at certain days and places to be appointed by you for that purpose, you do cause the said witnesses to come before you, and then and there examine them on oath. That the interrogatories and cross-interrogatories propounded to said witnesses you shall cause to be written
107 out, and the answers thereto to be inserted immediately following the respective interrogatories. That you cause the whole to be read over to the witnesses, and the same to be subscribed by them and duly sworn to before you. That you take said depositions in accordance with your certificates, which you will attach to the deposition of each seperate witness, stating that it was subscribed and sworn to by the said witness at the time and place therein mentioned. That you then seal up the whole, including this commission, and the interrogatories

hereto annexed, all enclosed in one envelope, and return the same to the clerk of the United States circuit court at Des Moines, Iowa. That you then endorse on the outside of said envelope thus directed the title of the cause in which the deposition is to be used, and that you execute this commission with all convenient speed.

Witness the honorable Morrison R. Waite, Chief Justice of the
108 Supreme Court of the United States, this 23d day of January, 1874, and in the ninety-eighth year of the Independence of the United States of America.

Attest:

SEAL OF THE CIRCUIT COURT OF THE U. S., DISTRICT OF IOWA.

GEORGE B. CORKHILL,
Clerk of United States Circuit Court.
District of Iowa.

109 In circuit court United States, dist. of Iowa. In equity.

M. HURLEY
vs.
D. W. JONES.

It is hereby ordered by the undersigned examiner of said court that January 30th, 1874, at ten o'clock a. m. of said day, and the law office of Phillips & Phillips, in Des Moines, Polk Co., Iowa, be, and the same is hereby, fixed as the time and place of taking proofs on the part of complainant, and that five days' notice of the order be given to defendants or their att'ys.

Signed this Jan'y 23, 1874.

WILLIAM A. PARK,
Examiner.

110 In circuit court United States, district of Iowa. In equity.

M. HURLEY
vs.
D. W. JONES.

To said defendant, or Mess'rs Sapp, Lyman & Hanna, his att'ys:

You are hereby notified that W. A. Park, esq., an examiner of said court, has, by order filed in the above cause, fixed January 30th, 1874, at ten o'clock a. m. of said day, as the time, and law office of Phillips & Phillips in Des Moines, Polk Co., Iowa, as the place for the taking of proofs in the above cause on the part of complainant.

PHILLIPS & PHILLIPS,
Att'ys for Compl't.

Service of the above & foregoing notice accepted this Jan'y 24th, 1874.

SAPP, LYMAN & HANNA,
Att'ys for Def't.

111 In the United States circuit court, district of Iowa. In equity

MICHAEL HURLEY
vs.
D. W. JONES.

Depositions of witnesses produced, sworn, and examined before me, William A. Park, special examiner, appointed by the said court to take the depositions of witnesses in the above-entitled cause.

DES MOINES, IOWA,
January 30, *A. D.* 1874—10 *o'clock a. m.*

Pursuant to notice of parties by their solicitors, Mess. Phillips & Phillips, for complainant, Michael Hurley, and J. M. Briggs, esq., for D. W. Jones, respondent, appeared before me at the office of Phillips & Phillips, and proceeded to take depositions of certain witnesses.

J. S. MCINTYRE, being produced and sworn on part of complainant, in answer to interrogatories propounded to him, deposed as follows:

112 Int. 1. State your name, age, place of residence, and occupation.

Ans. J. S. McIntyre, Clarinda, Iowa; age, 35; occupation, merchant & senator 8th district.

Int. 2. How long have you been a resident of Page County, Iowa?

Ans. I came there the 31st day of May, 1864.

Int. 3. What occupations were you engaged in during your residence there?

Ans. Practicing law, real estate, banking, & merchandising.

Int. 4. State if you attended the sale of lands for delinquent taxes in October & November, 1864.

Ans. I did.

Int. 5. What official connection had you, if any, with those sales?

Ans. Assisting the treasurer.

114 Int. 6. State who kept the treasurer's records of sales.

Ans. Jacob Butler kept the clerk's records of sales, and I made the treasurer's record.

Int. 7. Did Jacob Butler keep the treasurer's record of sales or the clerk's?

Ans. He kept the clerk's.

Int. 8. Are you acquainted with the parties to this suit, and the lands in controversy?

Ans. I am.

Int. 9. Who were the principal bidders at the tax-sale you refer to on the 21, 22, & 23d days of November?

Ans. J. Solomon for Orlando Meads, Morledge Butler, N. B. Moore, J. S. McIntyre, and a few pieces bought by other parties. Don't remember their names.

Int. 10. Who purchased the lands in controversy?

Ans. J. Solomons for Orlando Meads.

114 Int. 11. State whether or not there was any competition for any of the lands sold on the days you have named.

(Excepted to by respondent as not material to the issues joined.)

Ans. I believe not, there being plenty of land for us all.

Int. 12. State what arrangement or undertaking there was, if any, between the persons you have named as buyers, by which competition was avoided.

(Excepted to by respondent as not material to the issues joined.)

Ans. The resident purchasers were to take what they wanted, and Joel Solomon, for Meads, was to take the balance, and that neither one should break into a quarter section where the other one had purchased a quarter. I remember that distinctly, because I broke into one quarter and they ruled me out.

115 Int. State if the lands in controversy were sold to Solomon in pursuance of this arrangement.

(Excepted to by respondent as immaterial to the issues joined.)

Ans. I believe they were.

Int. 14. State whether or not, at said sale, any of the lands so sold were sold for more than the amount of the tax levied & delinquent thereon; or, in other words, was the taxes on any tract of land so sold paid by any purchaser for a less number of acres than the entire tract upon which the same was levied?

Ans. I think not.

Int. 15. State as nearly as you can the number of tracts of land sold on the 21, 22, & 23 days of November.

Ans. About a thousand.

Int. 16. How many tracts did you purchase at the November sales referred to?

Ans. Forty or fifty.

116 Cross-examination:

Cross-int. 1. Describe the lands in controversy in these action'.

Ans. About a mile and a half northeast of Shenandoah.

Cross-int. 2. Do you answer from your own knowledge that these particular lands in controversy were sold in pursuance of the arrangement referred to in your answer to int. 12?

Ans. That was my understanding at the time.

Cross-int. 3. Who do you refer to, in answer to int. 12, as resident purchasers?

Ans. All the purchasers except Joel Solomon for O. Meads.

Cross-int. 4. According to that arrangement, do I understand you to say that Solomon purchased for Meades such lands only as remained unsold after the resident purchasers were all accommodated?

117 Ans. Yes; that is, he bought at the same time we did, but he took such lands as we did not want. The treasurer commenced and called through the list, and when we came to a piece that the resident purchasers did not want it was struck off to O. Meads.

Redirect examination:

Int. 1. Does the records as they now exist in the county of Page show truly and correctly the manner of sales at that time?

Ans. The first record was kept on legal cap with pencil, showing the numbers of land sold and to whom sold; transferred from that to the clerk's record after sale, showing lands sold, to whom sold, and amount of tax, copied from clerk's book by me into treasurer's book from which I made the certificate. The books don't show it in the order in

118 which the sale was made. The most of the lands bought by Solomon for Meades were placed together on the record for convenience.

Recross-examination:

Int. 1. Was the sale of the lands in controversy conducted publicly?

Ans. It was public.

J. S. McINTYRE.

I, William A. Park, special examiner in said cause, do hereby certify that I reduced the above and foregoing deposition of J. S. McIntyre to writing, and, after reading the same over to him, the same was duly subscribed and sworn to by said deponent before me this 30th day of January, A. D. 1874.

WILLIAM A. PARK,
Special Examiner.

MICHAEL HURLEY, being produced & sworn on part of complainant, deposes as follows:

Int. 1. Are you complainant in this suit?

119 Ans. I am.

Int. 2. Give your name, age, and residence?

Ans. Michael Hurley; 44 years; residence, Maryland.

Int. 3. Know you the defendant in this case?

Ans. I do.

Int. 4. Know you the land in controversy in this case?

Ans. I know them as described to me.

Int. 5. Is any part of the lands in controversy occupied and improved?

Ans. I think there is about 40 acres of it improved, and was occupied in '69 & '70 by a man named Ash.

Int. 6. Did said Ash enter into possession of said lands under you, or as your tenant?

Ans. He did not.

120 Int. 7. Is he still in possession so far as you know?

Ans. I believe he is.

Int. 8. How far does the defendant Jones reside from the lands in controversy, and does he live in the same county in which the land is situated?

Ans. I don't know the exact distance, but think that it is four or six miles, more or less. He lives in the same county in which the land is situated, or did live there in 1869.

Int. 9. Know you how much the said Ash has paid defendant for the use of said premises?

Ans. I don't know.

Int. 10. Know you about what would be the reasonable value of the use of said premises, yearly, occupied by said Ash?

(Excepted to by respondent that witness has not first shown that he is acquainted with lands in the vicinity, or with the lands in controversy.)

Ans. It would be worth from two dollars and a half to three

121 dollars per acre for the improved part, yearly, since the year 1869.

Int. 11th. Know you who was county auditor of Page County, Iowa, for and during the year 1870? If so, state who was such auditor.

Ans. Up to October 28, 1870, W. M. Alexander was auditor of Page County, and since that time I don't know who was auditor.

Int. 12. State whether or not you ever made any tender of moneys to said county auditor of Page County to redeem the lands in controversy from a sale thereof made in November, 1867, for the taxes of 1866, and all subsequent taxes paid or due thereon up to the time of tender; and, if so, state when, the amount of the tender, the kind of money tendered, where tendered, and state whether or not said auditor excepted or refused to accept and receive such tender; and, if he refused, state the reasons he gave for so refusing.

122 Ans. I made such tender on the 28th day of October, 1870, to the auditor of Page County, at his office at Clarinda, Iowa. I tendered him redemption-money on those lands in controversy for a tax-sale made on the fourth day of November, 1867, for the taxes of 1866; I also tendered the taxes paid by the tax-purchasers for the years 1867, 1868, & 1869, including the penalty, interests, and costs. I tendered two hundred and twenty-eight dollars and seventy-eight cents, in all, part of that being to redeem other lands sold at said sale. Of this amount I tendered about seventy-one dollars to redeem the land in controversy, in legal-tender notes. The auditor refused to take the money

tendered him, and stated that the land was sold at a tax-sale in 1864, and deeded to tax-purchaser in "'67", and as he understood it nobody could redeem but the heirs of the tax-title holder, of those building title under that tax-deed, and I being divested of title by a former sale, in his view of the matter I was not entitled to redeem the land from said sale of November, 1867.

123

Int. 13. Did you or not, at that time, request said auditor to give you a certificate showing the tender and his reasons for refusal to accept the same? And, if he gave you any such certificate, please furnish the same to the examiner, and permit him to copy the same as part of your answer to this question.

Ans. I did request such certificate, which he furnished me under seal of office, and I produce the same to be copied. It is as follows:

"AUDITOR'S OFFICE,
"*Clarinda, Iowa, Oct* 28, 1870.

"This is to certify that Michael Hurley did this 28th day of Oct., 1870, offer to redeem the following list of lands, to wit, W. ½ SE and W. ½ SW. 31, and the SE. 15, T'p 69, R. 38, and the NW. SW. 18, T'p 70, R. 37 and the S. ½, NE. 21, and N. ½ SE. and S. ½ SE. 21, T'p 69, R. 39, by tendering me the sum of $228.78, which I did refuse for the following reasons: The records of the office show that the land was sold *sold* to O. Meads, Nov. 21st, 1864, for the tax of 1860, 1861, 1862, & 1863, and that the treasurer of the county did execute a tax-deed to the said O. Mead in Nov., 1867, for the above-described lands, as required by section 784, revision of 1860. Section 780, revision of 1860, required me to be satisfied that the parties offering to redeem has a right to redeem the land, as the treasurer's deed conveys all the right, title, and interest to the former owner. The only parties that can redeem from the sale of 1867, as I understand the matter, is the holder of the tax-deed or his assignees. The land was sold the 2nd time Nov. 4, 1867, for the tax of 1866, and is subject to redemption up to Nov. 4, 1870, from that sale.

124

(Signed) "W. M. ALEXANDER,
"*Auditor of Page Co., Iowa.*"

"I hereby certify that the above is a true copy of said certificate.
{ SEAL OF THE COUNTY } "WILLIAM A. PARK,
{ OF PAGE, IOWA. } "*Examiner.*"

125 State whether or not you have been ready, able, and willing at all times since said tender to pay whatever sum or sums of money may be necessary to redeem said lands from said tax-sale, tax-payments, taxes, interest, and costs.

Ans. I am and always have ready to pay the same.

Int. 15. Know you what the land in controversy is worth per acre? If so, state the same.

Ans. It is worth sixteen dollars per acre.

Int. 16. Had you any knowledge at the filing of your original and amended bill in this case, or at the time of filing your replication herein, that there had been an unlawful combination entered into at the tax-sale held November, 1864, as now disclosed by the evidence?

Ans. I had not.

126 Int. 17. When was the first intimation you had of such illegal combination between the buyers at such tax-sale, and when was the first knowledge you had of the existence of such combination?

Ans. In the latter part of last summer I heard of such combination. I had definite knowledge about the 11th day of January, 1874, after reading N. B. Moore's deposition taken herein.

Int. 18. State whether or not you are the patent-title owner of the lands in controversy; and, if so, state whether they were entered in your name from the United States.

Answer. I am the patent-title holder. They were entered in my name from the United States, and I have now such patents in my possession.

Int. 19. State whether or not the sum of money you tendered to the auditor of Page County to redeem said lands in controversy from the sale of 1867, and costs and subsequent taxes, interest, and
127 penalty, was or was not sufficient to pay off and satisfy and redeem said lands from such tax-sale, and all subsequent payment of taxes thereon, or taxes therein, and state whether or not the auditor computed at that time the amount necessary to redeem the same.

Ans. According to my calculation, it was. I aimed to have it correct, and the tender may be more or less than the amount. The auditor made no computation.

Int. 20. State whether or not any objection was made by the auditor because the tender you made was not a sufficient amount.

Ans. None whatever.

Int. 21. If any such objection had been raised, say whether or not you was able and willing to increase said sum to any amount necessary to redeem said land from tax-sale, tax-payments, taxes, interests, and costs.

(Objected to by respondent, as the same is immaterial to the issues joined.)

128 Ans. I was both willing and able to do so.

Cross-examination:

Cross-int. 1. State your means of knowledge of M'r Ash being in possession of the lands in controversy.

Ans. I went to see the lands in 1859, and saw that M'r Ash was living on a portion of the land. Don't know what part he lived on.

Cross-int. 2. How do you know he was living on the lands in controversy at all?

Ans. By general information and his own acknowledgment.

Cross-int. 3. What was his acknowledgment, and what that general information?

Ans. That he lived on lands belonging to M'r Jones, held under tax-title, in section 21, Tp 69, R. 39. This was his acknowledgment. Other parties showed me the land and represented that this was the land he was living on.

129 Cross-int. 4. How do you estimate the rent of these lands to be worth two and a half to three dollars per acre per annum?

Ans. I estimate the improved portion, which is about forty (40) acres, from the fact that it is from a mile and a half to two miles from a good market, and as market-land I think it is worth that at least. I don't know what lands rent for in that vicinity.

Cross-int. 5. What was the amount of tax, interest, costs, and penalty due on the lands in controversy when you offered to redeem the lands from the sale of 1867?

Ans. I think about seventy-one dollars.

Cross-int. 6. For what years had the tax-title holder paid the taxes on these lands, and what amount had he so paid for each year?

Ans. I think he paid the taxes for 1867, '68, & '69; I can't state what amount.

130 Cross-int. 7. Who has paid the taxes on the lands for the years since that date?

(Objected to by complainant as not proper cross-examination, and 2nd as immaterial.)

Ans. I paid them once, and don't know who paid the other taxes. Don't remember for which year I paid; think it was '69, '70, or '71, can't remember which.

Cross-int. 8. Did you offer to redeem the lands in controversy with other lands, or seperately with themselves?

Ans. I offered to redeem with other lands.

Cross-int. 9. By what means do you know that the sum of money you tendered was sufficient to redeem the lands at that date?

Ans. By taking it from the treasurer's tax-book for those years.

Cross-int. 10. State whether you have made any other tender since that time for subsequent taxes?

Ans. I have not.

MICHAEL HURLEY.

131 I, William A. Park, special examiner in said cause, do hereby certify that I reduced the above and foregoing deposition of Michael Hurley to writing, and, after reading the same over to him, the same was duly subscribed and sworn to by said deponent before me this 30th day of January, A. D. 1874.

(Signed) WILLIAM A. PARK,
Special Examiner.

UNITED STATES,
Dist. of Iowa:

I, William A. Park, do hereby certify that the foregoing depositions of J. S. McIntyre & Michael Hurley were taken before me, as special examiner, under and by virtue of the commission hereto prefixed; that said depositions were by me reduced to writing, and read over to said deponent by me, and were each subscribed & sworn to before me; that Mess. Phillips & Phillips attended me on part of complainant,

132 and J. M. Briggs, esq., on part of respondent.

In witness whereof I have hereunto set my hand, as special examiner, this 30th day of January, A. D. 1874.

WILLIAM A. PARK,
Special Examiner.

Fees of examiner	$12 70
" J. S. McIntyre	1 60
	$14 30

Paid by M. Hurley.

(Endorsed:) United States circuit court, district of Iowa. Michael Hurley vs. D. W. Jones. Depositions of J. S. McIntyre and Michael Hurley. Opened and filed by consent of parties May 12, 1874. George B. Corkhill, clerk.

133 And upon the trial of said cause the said respondent, to sustain the issues on his part, introduced and read in evidence certain documents and depositions, of which the following are true copies:

134 *Notice to take depositions.*

In the circuit court of the United States, district of Iowa.

M. HURLEY
vs.
D. W. JONES.

To said plaintiff, or Phillips & Phillips, his attorneys:

You are hereby notified that on the first day of May, A. D. 1874, and between the hours of 9 o'clock a. m. and five o'clock p. m. of said day, at the office of the clerk of the district court of the State of Iowa in and for Mills County, the defendant will take the deposition of J. Solomon, on interrogatories to be then and there propounded; said deposition, when so taken, to be read in evidence on the trial of the above-entitled cause, on behalf of the defendant. Said deposition to be taken before the clerk of said district court, in Glenwood, Mills County, Iowa. You will attend at the time and place, and cross-examine said witness, if you think proper.

D. W. JONES,
Defendant,
By J. M. BRIGGS,
His Attorney.

135 This day of April, 1874, of the within notice accepted at Des Moines, Iowa, this 23rd day of April, A. D. 1874.
PHILLIPS & PHILLIPS,
Att'ys for Compl't.

depositions of witnesses produced, sworn, and examined in pursuance of the annexed notice, at the office of the clerk of the district court, in the county of Mills, and State of Iowa, before me, T. P. Ballard, clerk of said district court of the State of Iowa in and for said county, wherein M. Hurley is plaintiff and D. W. Jones is defendant, on behalf of the defendant.

J. SOLOMON, of lawful age, being produced, sworn, and examined on the part of the defendant, deposed as follows:

Int. 1st. State your name, age, and place of residence, and occupation.
Ans. Age, 74; name, Joel Solomon; residence, Glenwood, Mills Co., Iowa; occupation, land agent.

136 Int. 2d. Know you the parties to this suit, M. Hurley, complainant, and D. W. Jones, respondent; and, if so, how long have you known them, or either of them?

Ans. I have a slight acquaintance with both. I have been acquainted with Hurley about a year; with Jones some six or seven years—not very intimately.

Int. 3rd. State whether or not you were in attendance at the sale of lands for delinquent taxes in Page County, Iowa, on the 21st, 22nd, & 23rd days of November, A. D. 1864; and, if so, were you a purchaser at such sale, and for whom did you purchase?

Ans. I was there on the 21st, and bought a lot of lands as agent for Orlando Meads—bought in his name. As for the 22d & 23d, I cannot remember whether I bought any on those days or not; perhaps I did. If I did, it was very slight.

Int. 4th. Who were the principal bidders and purchasers at that sale Nov. 21st, 22d, & 23d, 1864?

137 Ans. My recollection now is that there were only two principal bidders, N. B. Moore and myself. I do not recollect of anybody buying generally but Moore and myself. There were other buyers who occasionally bought pieces of land, and I remember that Moore and myself consented that they should have them. The applications were not many, and but for few tracts.

Int. 5th. State whether or not there was an arrangement, agreement, understanding, or combination made or entered into or acted upon, by preconcert or otherwise, by and between the principal or other purchasers at said sale, by which it was intended to avoid or prevent competing bids on and for the lands sold or offered for sale; and, if so, were you a party to such arrangement, agreement, understanding, or combination?

138 Ans. So far as my knowledge goes there was no previous arrangement, combination, or agreement, or understanding between myself and other bidders at that sale. There was no understanding, so far as I was concerned, by which bidders was not to bid against each other.

Int. 6th. Know you of such arrangement or understanding between any of the bidders at said sale?

Ans. I do not.

Int. 7th. Name any other bidders present at said sale.

Ans. My recollection is that there were not many present who wanted to buy at all, except Moore and myself, as stated in my answer to 4th interrogatory.

Int. 8th. State whether or not all the lands advertised at that date were then & there sold for delinquent taxes; &, if not, what part of said lands were then sold?

139 Ans. My recollection is that the treasurer said that there were a great many lands unsold. This was said after I had bought as much as I wanted to buy. As for the part unsold, the treasurer said there was a large quantity unsold. I do not know what lands.

Int. 9. State the extent of your purchases at said sale; in what capacity you made said purchases.

Ans. I bought to the amount of five thousand, and perhaps to seven thousand, dollars, at said sale. The purchases were made as agent for Orlando Meads.

Cross-examination:

1. Did you not leave Clarinda on the morning of the 22nd day of November, and before the close of the sale?

Ans. I have no recollection. My impression is I left there the next day after the 21st. I said my little piece as soon as possible and left.

2. Was the tax paid by any of the bidders on any tract of land

140 for less than the whole number of acres upon which such tax was a lien?

Ans. I do not know of any parcels being bought for any less than the whole amount set up; at least, so far as my purchases were concerned, there was none.

Int. 3. Was it not your custom invariably, at the sale of 1864, when any other person wanted a tract of land, to withdraw or with'old your bid and not compete for the tract?

Ans. I do not believe that was my custom at all, except in the exceptions I have made in my answer to interrogatory 4, in my direct examination.

Int. 4. Did you in any instance at that sale enter, make, or press a bid for a tract of land on which there was a bid by any other person?

Ans. No; I did not.

Int. 5. Was there any competition at that sale?

141 Ans. I do not think there was any competition at all, except the parties referred to in my 4th answer direct.

Int. 6. Except in the cases referred to in your answer to the 4th direct question, was there not a tacit understanding among the principal bidders that the person who made the first bid should take the land without competition?

Ans. If there was such understanding I do not recollect it. So far as I am concerned there was no understanding. If there was such an understanding I should recollect it.

Int. 7. How many tracts did you buy at that sale?

Ans. I have no means of knowing without referring to my books. My impression is that I bought several hundred tracts; might been five or six hundred tracts.

Redirect examination:

Int. 1. Why was there so little competition at the sale of lands hereinbefore mentioned?

142 Ans. The only reason I can give, so far as I was concerned, was that there was no one to bid against me.

Int. 2d. Why did you not bid against any of the other bidders at said sale?

Ans. I can give no other reason than I did not want to, seeing that there was enough lands and more than we wanted.

Int. 3d. Was there any particular pieces of land or any particular parts of the county that you wished to embrace in your purchases?

Ans. Not at all. I bought generally, and cared but little where the lands lay and what they were worth. I was not buying as an agent on commission.

Recross-examination:

1. In your last answer you say that you bought generally and cared but little where the lands lay. Is it not true that you only bought

143 in townships 70, 36; 70, 37; 70, 38; 70, 39; 69, 39; 69, 38; 68, 37; 68, 38; 68, 39; & 67, 37; and that you only bought two tracts in 67, 37; and three tracts in 68, 39?

(Objected to by defendant because no new matter has been called out in redirect examination.)

(Witness referred to a book, and answers as follows:—Clerk.)

Ans. Yes, it is true that I bought in those townships named, so far as my book shows, which, I presume, is true. It also seems to be true, according to my books, that I only bought two tracts in 67, 37, and three tracts in 68, 39.

Recalled:

Int. (By def't.) Why did you not buy in the other townships in the county?

Ans. For the reason, either that I had bought all that I wanted, or that they were not offered while I was buying.

(Signed) JOEL SOLOMON.

Subscribed and sworn to before me by Joel Solomon this May 1st, 1874.

T. P. BALLARD.

Witness, Joel Solomon, $1.25, paid by def't.

144 STATE OF IOWA,
Mills County, ss:

I, T. P. Ballard, clerk of the district court in and for Mills County and State of Iowa, do hereby certify that in pursuance of the annexed notice I caused to come before me, at my office in Glenwood, on the 1st day of May, A. D. 1874, between the hours of 9 o'clock in the forenoon and 5 o'clock in the afternoon, Joel Solomon, who was then and there duly sworn and examined, and his examination reduced to writing; and after being by me read over to said witness, the same was subscribed and sworn to by him in my presence, and his said deposition is hereby returned. And I further certify that J. M. Briggs, esq., was present and conducted the examination on the part of the defendant, and W. P. Hepburn, esq., was present and cross-examined said witness on the behalf of the plaintiff.

145 Given under my hand and official seal hereto annexed, at Glenwood, in the county of Mills and State of Iowa, this 1st day of May, A. D. 1874.

[DISTRICT COURT, SEAL OF MILLS CO., IOWA.] T. P. BALLARD,
Clerk Dist. Court.

(Endorsed:) M. Hurley vs. D. W. Jones. Deposition of witness for def't. J. Solomon. Opened & filed by consent of parties, May 12, 1874. George B. Corkhill, clerk. Fee taking dep., $2.50, paid; witness, J. Solomon, $1.25, paid.

146 *Dedimus protestatem.*

Circuit court of the United States, district of Iowa, ss:

To W. W. Russell, Clarinda, Page Co., Iowa, greeting:

Know ye that, in confidence of your prudence and fidelity, you have been appointed, and by these presents you are invested with full power and authority to examine any and all witnesses who may be brought before you on their corporal oaths, as witnesses in a cause depending in the circuit court of the United States, for the district of Iowa, wherein Michael Hurley is plaintiff and D. W. Jones is defendant, on the part of the def't. And therefore you are hereby commanded, that at certain days and places, to be appointed by you for that purpose, you do cause the said witnesses to come before you, and then and there examine them on oath; that the interrogatories and cross-interrogatories propounded to such witnesses you shall cause to be written out, and the answers
147 thereto to be inserted immediately following the respective interrogatories; that you cause the whole to be read over to the witnesses, and the same to be subscribed by them and duly sworn to before you; that you take said deposition in accordance with your certificate, which you will attach to the deposition of each separate witness, stating that it was subscribed and sworn to by the said witness at the time and place therein mentioned; that you then seal up the whole, including this commission, and the interrogatories hereto annexed, all enclosed in one envelope, and return the same to the clerk of the United States circuit court, at Des Moines, Iowa; that you endorse on the outside of said envelope, thus directed, the title of the cause in which the deposition is to be used, and that you execute this commission with all convenient speed.

Witness the Hon. Morrison R. Waite, Chief Justice of the Supreme Court of the United States, this 16th day of April, 1874, and in
148 the 98 year of the Independence of the United States of America.

Attest:

SEAL OF THE CIRCUIT COURT OF THE U. S., DISTRICT OF IOWA.

GEORGE B. CORKHILL,
Clerk of United States Circuit Court,
District of Iowa.

149 Depositions of witnesses taken and examined before and by me, W. W. Russell, clerk of the district court of Page County, Iowa, at my office in Clarinda, on this 17th day of April, A. D. 1874, in obedience and by authority of the annexed dedimus protestatum, to be used on the part of the defendant on the trial of a cause now pending in the United States circuit court for the district of Iowa, wherein Michael Hurley is pl'ff and D. W. Jones def't.

JOHN R. MORLEDGE, of lawful age, being sworn to testify the truth, the whole truth, and nothing but the truth, answered and testified as follows, to wit:

Int. 1st. State your name, age, occupation, and place of residence.

150 Ans. John R. Morledge; age, 62 years; by occupation att'y at law, and reside in Clarinda, Page County, State of Iowa.

Int. 2d. Are you acquainted with the parties to this suit, M. Hurley and D. W. Jones; and, if so, how long have you known them?

Ans. I am acquainted with both of them, and have known them 3 or 4 years.

Int. 3rd. Were you a resident of Clarinda, Iowa, in the year 1864, and if you attended the treasurer's sale of lands for taxes on the 21st day of November of that year in Page County, Iowa?

Ans. I was; and attended the sale on that day, and bought some lands for taxes.

Int. 4. Who were the principal purchasers at that sale for taxes?

Ans. Orlando Meads, by Solomon, his agent; Moore & McIntyre
151 or A. B. Moore, & J. S. McIntyre, A. Loranz, and myself; that is my present recollection of the matter.

Int. 5. State whether or not all the lands then advertised for sale for taxes were sold on that day.

(Objected to by pl'ff because not the best evidence.)

Ans. I think not.

Int. 6. State whether or not any arrangement or agreement was made by and between the principal purchasers at that sale, by which competition in buying was intended to be avoided.

(Pl'ff objects because the interrogatory is leading in its character, and because it seeks to elicit an opinion.)

Ans. None that I know of.

Int. 7. What, if any, agreement was made by and between the
152 principal purchasers at that sale in relation to bidding against each other or not bidding against each other at that sale for lands offered for sale for taxes?

Ans. There was none that I know of.

Int. 8. What, if any, agreement or arrangement was so made about bidding on any piece of land for less than the whole piece of land offered for sale, or for not less than the whole of the piece of land offered for sale for taxes?

Ans. I know of none.

Int. 9. State whether such arrangements or agreements could have been made and carried into effect without your knowledge.

(Objected to because the interrogatory seeks the opinion of the witness without first requiring him to state facts upon which the opinions are based.)

Ans. Such an arrangement might have been between some of them and I know nothing about it, but so far as my own knowledge
153 extends nothing of the kind existed.

Int. 10th. State if you were present at the commencement and during the continuance of said sale, Nov. 21st, 1864.

Ans. Do not remember. Don't think I was there at the commencement, and know I was not there all the time.

Int. 11th. State the number of pieces of land you purchased at that sale on that day?

Ans. I think 18 forties.

Int. 12th. If no agreement was made between the purchasers, why were so few pieces sold wherein the whole of the delinquent tax was paid for less than the whole of the land on which the tax was assessed?

Ans. The only reason I can give for that is that there was more land for sale than there was money to buy, or than all of us had money to buy.

154 Int. 13. State if any lands were sold at said sale under any agreement between purchasers.

(Pl'ff objects because the question is leading.)

Ans. No agreement that I know of, of any kind. While I was there as one of the bidders, the first one that bid after a piece of land was called off took the land, and no further bids were made on that tract.

Int. 14. State why there was so little competition in the purchase of lands at said sale.

Ans. The only answer I can make to that is the answer before given, that there was more land for sale than all of us could buy.

Cross-examination:

1. Was there not a choice in the lands that were offered? Were not non-resident lands most sought after?

Ans. I think so.

155 Int. 2. Were not all of the lands you purchased in the same township?

Ans. I think all I purchased that day were all in Valley—I think.

Int. 3. Were not all of the lands, or nearly all of them, purchased by each of the principal bidders located in the same part of the county; that is, were not each man's purchase, as a rule, in the same locality?

Ans. That I could not answer. Do not know. What I purchased were up there in that township, but I do not know as to the others.

Int. 4. Is it not *time* that there was an express or tacit understanding that when a particular part of the county was reached by the treasurer in offering lands for sale, you were to be the bidder without competition until you had secured the quantity of land you desired; that when another portion of the lands were reached, M'r Moore
156 should take what he desired in that locality, M'r Loranz in another, & so on, until all of the principal bidders were accommodated, and in this way letting each man have the entire tract for the tax that was a lien upon it?

Ans. Not that I recollect of. Do not recollect any such arrangement.

5. Whether you remember the arrangement or not, as a matter of fact, was not the sale conducted in the way above indicated?

Ans. I think not.

6. From the time you began to bid until you concluded, were any trades offered that you did not buy?

Ans. O, yes; plenty of them. I did not take them in rotation at all.

6. Were not nearly all of the lands bought by Loranz in the same part of the county, contiguous, or in the near vicinity to each other?

157 Ans. I do'nt recollect. Can't tell anything about it now.

7. You do not mean to say that no arrangement was made by which competition at the sale was prevented, do you? Only that you were not a party to an agreement entered into for that purpose?

Ans. I do not. I only speak from what I know in regard to myself. I was the smallest bidder there.

Int. 8. Were you at the sale on the 20th, the 22nd, & 23rd days of Nov., 1864?

(Objected to because not cross-examination.)

Ans. I think not; have no recollection of being there but this one day.

9. How long were you present at the sale?

Ans. I don't think to exceed an hour.

JNO. R. MORLEDGE.

Subscribed and sworn to by John R. Morledge before me this 17th day of April, A. D. 1874.

158 THE SEAL OF THE DISTRICT COURT OF PAGE COUNTY, IOWA. W. W. RUSSELL, *Clerk Dist. Court of Iowa, in & for Page County.*

D. W. JONES, being sworn, answered and deposed as follows, to wit:

Int. 1st. State your name, age, occupation, and place of residence.

Ans. D. W. Jones: aged 41 years; by occupation a farmer; and reside in Page County, State of Iowa.

Int. 2d. Are you acquainted with M. Hurley, the pl'ff in this suit?

Ans. Never saw him but once or twice, I believe.

Int. 3d. Are you the def't in this suit?

A. I am.

Int. 4. When did you purchase the lands in controversy in this suit, and of whom?

159 Ans. I think I got a deed to one-quarter of it in November or December, 1868, the eigaty, perhaps; and in January following I got the deeds from Orlando Meads.

Int. 5. Who acted as Meads' agent in the sale of said lands to you?

Ans. James Callanan.

Int. 6. What was the consideration by you paid for said lands?

Ans. I think it was two dollars per acre.

Int. 7. What part, if any, of said lands have been reduced to cultivation?

(Pl'ff objects because irrelevant and immaterial.)

Ans. There is some of it under cultivation; I cannot state just the amount; perhaps twenty-five, thirty, or forty acres.

Int. 8. What has been the yearly rental value of these lands since you have owned them?

Ans. It has not brought me anything.

160 Int. 9. For what years have you paid the taxes on said lands?

(Pl'ff objects, because the evidence sought to be elicited is secondary in its nature.)

Ans. I have paid the taxes every year except one; can't remember whether that was for the year 1869 or 1870; think it was '69.

Int. 10. What, if any, tender of money has pl'ff made to you to repay you for the taxes so paid on said lands?

Ans. Not any tender of money to me has been made.

Int. 11. What is the present value per acre of the lands in controversy in this suit?

Ans. I should think about sixteen dollars per acre would be a reasonable price.

Int. 12. What knowledge had you, if any, prior to the time you purchased said lands, of a combination of purchasers having been
161 made at the time they were sold for taxes in 1864, by which competition was prevented in the purchase of lands at said tax-sale?

Ans. Not any at all.

Int. 13. When did you first hear that such combination had been formed at said sale?

Ans. Quite recently. Not until since M'r Moore's testimony was taken in this case. I don't think I ever heard it mentioned before.

Int. 14. What, if any, conversation had you with M'r A. B. Moore at any time prior to the time you purchased these lands about such combination of purchasers having been made at the sale of lands in Page Co., Iowa, for taxes, in Nov., 1864?

Ans. Not any conversation in reference to the matter whatever.

Int. 15. What conversation, if any, did you have with M'r A. B. Moore about the purchase of the lands in controversy from Or-
162 lando Meads, prior to the time you purchased the same of said Meads?

Ans. I don't think that M'r Moore and I ever had any conversation in reference to the lands at any time prior to the time I bought them.

Int. 16. With whom and where did you first talk of the purchase of said lands from Meads, and how long before you purchased the same?

Ans. It was some time perhaps in Nov. that he wrote offering to sell me the lands. I think it was in the year 1868. I think the first I knew that they were for sale was through M'r Callanan; he wrote me a letter saying he would sell me the lands, and put his price on them, I think in Nov., 1868. I don't think I had any conversation wholly until I went to Des Moines in January, 1869; previous to that he had sent me a deed for the "160." In January I went to Des Moines and closed the trade & got the deed for the "80."

163 Int. 17th. State whether or not at the office of Moore & McIntyre, in the fall or winter of 1868, or at any other time, you had a conversation in which M'r Moore informed you that there had been a combination of purchasers to prevent competing bids at the sale of lands for taxes in Page County in Nov., 1864, at which these lands were sold, and in which he gave you any information that the said sale had been conducted properly and legally, and give you' reasons for your answers.

(Pl'ff objects to that part of the question asking for reasons for answer on account of immeteriality.)

Ans. I am quite certain that we never had any conversation in 1868, or at any time prior to the time I purchased the lands, in relation to the lands. Previous to this time I had noticed that when I attempted to purchase lands for which M'r Moore was not the agent, I had trouble

in getting them, and have learned to keep matters to myself when I wanted to purchase such lands.

164 Int. 18. State whether you had a conversation with M'r Moore since you bought these lands about quieting the title. If so, when and where and what was the conversation?

(Pl'ff objects, because the evidence sought to be elicited is immaterial, and if desired for the purpose of impeachment or contradiction, the proper foundation has not been laid.)

Ans. I had a conversation with M'r Moore a year ago last summer; the conversation was about like this: He told me he had been getting title to some of his tax-lands, and this matter came up, and he said if it was his case he would bring suit to quiet the title, and said he thought that he could get the title very easily. I said to him I would think about the matter and perhaps get him to work the matter up for me.

Int. 19. State whether or not at the time you bought the lands in 1868 & '9, you had knowledge that they had been sold for taxes

165 in the year 1867.

(Pl'ff objects because immaterial.)

Ans. I can't say positively; do not remember whether I knew it at the time or not.

Int. 20. What, if any, tender of money has pl'ff made to you to redeem these lands from the sale for taxes made in 1867?

Ans. He never has made any tender of any kind.

Int. 21st. What payment, if any, has pl'ff made at any time to you for the money which you have paid in taxes on these lands.

Ans. Not any.

Cross-examination:

Int. 1. Why did you omit to pay the taxes for 1869 or 1870?

Ans. I went into the treasurer's office to pay the taxes, and found somebody else had paid them.

166 Int. 2. Who did you learn had paid them?

Ans. I asked M'r Dorsey who had paid the taxes, and he answered by saying that he supposed M'r Hurley had paid them.

3. You say Hurley never paid or offered to pay any of the taxes to you. What do you know of his making offers or efforts to pay them to others? State fully what you know or have learned.

(Objected to because not cross-examination, and because of immateriality, and because, likewise, whatever answer the witness may give will be hearsay testimony.)

Ans. After the taxes of 1869 became delinquent I went into the office to pay them, and the treasurer told me that Hurley had previously paid them.

4. Don't you know of other payments or offers to pay made by pl'ff?

167 Ans. I don't know any case where he went in to pay taxes.

6. State what efforts of M'r Hurley's have come to your knowledge to redeem the lands in controversy from the sale of 1867.

Ans. At some time—I don't recollect when—somebody told me that he had proposed to redeem the lands from the sale of 1867. Whether he said he had offered to redeem or was going to redeem them, I forget about that. I think it was M'r Alexander told me about it, but I don't know whether it was him or M'r Loranz.

7. Have you honestly and in good faith given all of the information you possess called for by the last proceeding question?

Ans. Yes, sir; I think I have.

8. What portion of the lands in controversy are under fence?

Ans. I could not say that there is any under fence.

168 9. Explain how the lands are in cultivation if not fenced.

Ans. There is some of them broken out and in cultivation. Just as much of the lands is in this county without fence.

10. In the years 1868 & 1869, was it not your habit to the office of Mess'rs Moore & McIntyre every time you came to Clarinda?

Ans. In those days that was all the banking-house in this country convenient to me, and what business I had in that line—getting drafts, &c.—I did there, and consequently went in there perhaps most every time I came to town.

(Signed) D. W. JONES.

Subscribed and sworn to by D. W. Jones before me this 17th day of April, A. D. 1874.

{ THE SEAL OF THE DISTRICT COURT } W. W. RUSSELL,
{ OF PAGE COUNTY, IOWA. } *Clerk Dist. Court.*

And now at this time, by agreement of the parties, the further taking of depositions herein is postponed till the 25th day of April, 1874.

169 And now, on this 25 day of April, 1874, the further taking being resumed,

J. R. HINCHMAN, of lawful age, being duly sworn, answereth, deposeth, and says as follows, to wit:

Int. 1st. State your name, age, and place of residence.

Answer. J. R. Hinchman; aged 40 years, and reside in Page County, State of Iowa.

Int. 2d. Are you acquainted with the parties to this suit, M. Hurley, pl'ff, & D. W. Jones, def't?

Answer. I have seen M'r Jones; do not know M'r Hurley.

Int. 3. What official position did you hold in Page County in the year 1864.

Answer. County treasurer.

Int. 4. State whether or not you conducted a sale of lands for delinquent taxes in Page County in the year 1864; and, if so, when did said sale commence?

Ans. I did; sale commenced Oct. 4.

170 Int. 5. Was said sale adjourned; and, if so, to what date and for what reason?

Answer. It was adjourned, for the want of bidders, to the twentieth (20) day of November, 1864.

Int. 6. Was said sale again adjourned; and, if so, for what reason & to what day?

Answer. From memory I could not state, but from the manner in which I conducted land sales, it is my impression that it was adjourned to the next day for the want of bidders.

Int. 7. Pursuant to said adjournment, on what day did said sale take place?

Ans. There was no sale on the 20th, but on the 21st there was a sale.

Int. 8. Who were the principal purchasers at that sale on the 21st?

Answer. M'r Meads was the principal purchaser. M'r Moore and M'r Morledge bought some, and different other ones bought some.

171 Int. 9. State the number of pieces sold on that day to M'r McIntyre.

Ans. From memory I cannot state, but from the records I find but two pieces.

Int. 10th. Was said sale again adjourned from the 21st day of Nov., 1864; and, if so, for what reason and to what day?

(Pl'ff objects because it calls for secondary evidence.)

Answer. My impression is that it was merely adjourned from the evening of the 21st to the morning of the 22nd.

Int. 11th. Was said sale again adjourned; and, if so, to what day?

(Pl'ff objects because it calls for secondary evidence.)

Answer. It was adjourned from the 22d to the 23d, in the same manner as stated before.

Int. 12. State the number of tracts of land sold on the 21st, 22d, & 23d days of November, 1864.

(Pl'ff objects because the record is the best evidence.)

172 Answer. I suppose somewhere in the neighborhood of one thousand pieces.

Int. State as near as you can the number of tracts left unsold, on which the tax was delinquent, after the last said sale.

Answer. I could not state the number of tracts, but my recollection is that there was a large amount left unsold; not less than 80 pieces.

Int. What do you know, if anything, about a combination of purchasers being made at that sale, by which it was agreed that the purchasers should not bid against each other?

Answer. I do not know of any such combination.

Int. From your connection with said sale on Nov. 21st, 22nd, & 23, 1864, state whether or not such combination or agreement could have come to your knowledge if it had existed.

Answer. It might & it might not.

173 Cross-examined:

1. Is there anything in the record of sales of lands in 1864 to show that there was a sale, or an attempt to sell, or an adjournment of the sale, on the 20th of Nov., 1864?

(Objected to by def't because of immateriality.)

Answer. There is not.

2. Was there any competition between bidders at the sale in Nov., 1864?

Answer. Not any.

3. Is it not true that in every instance the tract of land offered was sold; that is, the whole tract was sold for the tax which was a lien upon it?

Answer. I think that is true.

4. Is it not true that, as a rule, the principal bidders were permitted by each other to buy their lands in a particular locality nearly contiguous; and does not the record show that, as a rule, the name of each of the principal bidders appear on the record as continuous bidders?

174 (Objected to by def't because not the best evidence.)

Answer. The records show that the first part of the question is true; that the bidders were permitted by each other, as a rule, to buy their lands in a particular locality, and the names do appear as continuous bidders.

5. How many times were tracts of land struck of to M'r Moore without the intervention of a bid from any other person?

Answer. The records show one hundred and seventeen times at one time.

6. How many pieces were struck off to W'm Butler without the intervention of a bid from any other person?

(Objected to because not the best of evidence.)

Answer. The records show twenty-six pieces at one time.

7. How many pieces were struck off to J. S. McIntyre without the intervention of a bid from any other person?

Answer. The records show thirty-six pieces at one time.

175 8. How many *prices* were struck off to J. R. Mortledge without the intervention of a bid from any other person?

(Objected to because not the best evidence.)

Answer. Five pieces.

9. How many *prices* were struck of to Orlando Meads consecutively, without the intervention of a bid from any other person?

(Objected to because not the best evidence.)

Answer. Four hundred & forty-six pieces.

Re-examined:

Int. 1st. To what days' sale do you refer in your answers to cross-interrogatories 5, 6, 7, 8, & 9.

Answer. Orlando Mead's purchases were on the 21st & 22nd of November. M'r Moore's was on the 22d & 23rd of November. M'r McIntyre's was on the 23rd. M'r Butler's was on the 23rd. M'r Morledge's was on the 21st.

Int. 2. What reason can you give for the absence of competing bids at the sale?

176 Answer. Cannot give any reason.

Int. 3. How many of the purchasers whose names you have given purchased lands at said sale on the 21st day of Nov., 1864?

Ans. M'r Moore, M'r Morledge, M'r Meade, M'r McIntyre.

J. R. HINCHMAN.

Subscribed and sworn to by J. R. Hinchman before me this 25th day of April, A. D. 1874.

(SEAL OF THE DISTRICT COURT) W. W. RUSSELL,
(OF PAGE COUNTY, IOWA.) *Clerk Dist. Court.*

A. LORANZ, of lawful age, being duly sworn, answereth, deposeth, and says as follows, to wit:

Int. 1st. State your name, age, and place of residence.

Answer. My name is A. Loranz; age, sixty-three; residence, Clarinda, Page County, Iowa.

Int. 2d. State whether or not you attended the sale of lands
177 for delinquent taxes in Page County, Iowa, on the 21st day of Nov., A. D. 1864; and, if you did, were you a bidder or a purchaser at said sale?

Answer. To the best of my knowledge I did attend the sale, but I would not say positively; I don't think I purchased any lands; if I did, it was for somebody else.

Int. State whether or not you have any knowledge of an agreement or understanding, or arrangement by and between the bidders at said sale, by which competing bids was, or was intended to be avoided; and, if yea, were you a party to such arrangement?

Answer. I know nothing about such an arrangement, and was not a party to any such an arrangement as I now recollect.

ANTONY LORANZ.

Subscribed and sworn to by Antony Loranz before me this 25th day of April, A. D. 1874.

{ SEAL OF THE DISTRICT COURT. } W. W. RUSSELL,
{ PAGE COUNTY, IOWA. } *Clerk Dist. Court.*

178 STATE OF IOWA,
Page County:

I, W. W. Russell, clerk of the district court of the State of Iowa, do hereby certify that the foregoing deposition of John R. Morledge and D. W. Jones were by me taken at my office in Clarinda on the 17th day of April, A. D. 1874, and the foregoing depositions of J. R. Hinchman and A. Loranz were by me taken at the same place on the 25th day of April, A. D. 1874; that said witnesses were each, before his examination commenced by me, sworn to testify the truth, the whole truth, and nothing but the truth; that I caused the interrogatories and cross-interrogatories to be first written out and the answers thereto inserted immediately following the same; that after the interrogatories and answers thereto had been reduced to writing, I caused the same to be read over to each respective witness, and that thereupon they each signed and swore to the truth of the same, before me and in my pres-
179 ence at the place aforesaid, and at the date certified to by me, at the foot of each seperate deposition; that during the examination of said witnesses W. P. Hepburn was present and conducted said examination on behalf of def't.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at my office in Clarinda this 25th day of April, A. D. 1874.

{ THE SEAL OF THE DISTRICT COURT } W. W. RUSSELL,
{ OF PAGE COUNTY, IOWA. } *Clerk.*

Fees of com., $6.00; paid by def't.

(Endorsed:) Hurley vs. D. W. Jones. Morledge' depo. for def't. Opened and filed by consent May 12, 1874. George B. Corkhill, clerk.

180 *Certificate of purchase at tax sale.* [No. 34.

STATE OF IOWA,
Page County, ss:

Know all men by these presents that whereas the following-described real property, viz: S. E. S. W., N. E. N. W. S. E. S. W. S. E. and S. E. S. E., all in section No. 21, township No. 69 north, of range No. 39 west, situated in the county of Page and State of Iowa, was subject to taxation for the year A. D. 1866; and whereas the taxes on said real estate so assessed and delinquent were as follows:

Kind of tax.

Description of property.	Sec.	T.	R.	A.	Y'r A. D.	State.	County.	School.	Bridge.	Road.	Teachers.	Sch'l H.	Costs.	Interest.	Total am't.
						$ C'ts.	$ C'ts.	$ C'ts	$ C'ts.	$ C'ts.	$ C'ts.	$ C'ts.	$ C'ts.	$ C'ts.	$ C'ts.
S.E. S.W.	21	69	39	40	1866.	25	40	20	30	30	30	50	20	35	2 80
N.E. S.E	21	69	39	40	"	25	40	20	30	30	30	50	20	35	2 80
N.W. S.E.	21	69	39	40	"	25	40	20	30	30	30	50	20	35	2 80
S.W. S.E.	21	69	39	40	"	25	40	20	30	50	50	50	20	35	2 80
S.E. S.E.	21	69	39	40	"	25	40	20	30	50	50	50	20	35	2 80
Certificate & stamp															55
Total															14 55

[3 c'ts revenue stamp, Nov. 4, 1867, H. D.]

And whereas the taxes assessed upon said several pieces of real property for the year 1866, aforesaid, remained due and unpaid at the date of the sale hereinafter named; and whereas the treasurer of said county did, on the fourth day of November, A. D. 1867, by virtue of the authority in him vested by law, at the adjourned sale begun and publicly held on the first Monday of October, 1867, expose to public sale at the court, house, in the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made and provided, the real property above described, separately, for the payment of the taxes, interest, and costs then due and remaining unpaid upon said property, separately; and whereas, at the time and place aforesaid, Orlando Meads, of the county of Albany and State of New York, having offered to pay the sum of money due on each piece of property as above stated & shown, being the whole amount of taxes, interest, and costs then due and remaining unpaid on each of said pieces of property, for each piece of property, as aforesaid; each piece of property being sold separately as above described, which was the least quantity bid for; and payment of said sum having been by him made to the said treasurer, the said property was severally stricken off to him at the prices aforesaid:

This, therefore, is to certify that, in consideration of the payment of said taxes, interest, and costs, and the sale of the real estate as aforesaid, said Orlando Meads will, unless the same is redeemed according to law, within three years from the date of said sale, be entitled to receive from the treasurer of said county, upon the return of this certificate, a deed vesting the title in himself, heirs, or assigns, forever; subject, however, to the further rights of redemption provided by law.

In witness whereof I, Henry Dorsey, treasurer as aforesaid, have hereunto subscribed my name, on this fourth day of November, A. D. 1867.

HENRY DORSEY, *Treasurer.*
——— ———, *Deputy.*

Registered:
——— ———, *County Auditor.*

181 For value rec'd, I hereby sell & assign the within certificate & all my right, title, & interest in & to the property therein described to Dexter Reynolds, of Albany County, New York.

(Signed) ORLANDO MEADS.

FEB. 5TH, 1868.

[3 c'ts U. S. rev. stamp. O. M., Feb. 5, '68.]

For value rec'd, I hereby sell and assign the within certificate & all my right, title, & interest therein in and to the property therein described so far as it applies to the southeast quarter of section 21, 69, 39 west to D. W. Jones, of Page County, Iowa.

DECEM. 20, 1870.

(Signed) DEXTER REYNOLDS.

(Endorsed:) No. 34. Certificate of tax-sale, Page County, Iowa, to Orlando Meads. Sold Nov. 4th, A. D. 1867. $14.55.

182 *Certificate of purchase at tax sale.*

[No. 33.

STATE OF IOWA, *Page County, ss:*

Know all men by these presents, that whereas the following-described real property, viz: S.W. N.E., S.E. N.E., N.E. S.W., N.W. S.W., and S.W. S.W., all in section No. 21, township No. 69, north of range 39 west, situated in the county of and State of Iowa, was subject to taxation for the year A. D. 1866; and whereas the taxes on said real estate so assessed and delinquent, were as follows:

Kind of tax.

Description of property.	Sec.	T.	R.	A.	Y'r A. D.	State.	County.	School.	Bridge.	Road.	Teachers.	Sch'l H.	Costs.	Total interest.	Total.
						$ Cts.	$ Cts.	$ Cts.	$ Cts.	$ Cts.	$ Cts.	$ Cts.		$ Cts.	$ Cts.
S.W. N.E.	21	69	39	40	1866.	25	40	20	30	30	30	50	20	35	2 80
S.E. N.E	21	69	39	40	"	25	40	20	30	30	30	50	20	35	2 80
N.E. S.W.	21	69	39	40	"	25	40	20	30	30	30	50	20	35	2 80
N.W. S.W	21	69	39	40	"	25	40	20	30	30	30	50	20	35	2 80
S.W. S.W	21	69	39	40	"	25	40	20	30	30	30	50	20	35	2 80
Certificate & stamp															55
Total															14 55

[5 c'ts U. S. rev. stamp, Nov. 4, 1867, H. D.]

And whereas the taxes assessed upon said several pieces of rea property for the year 1866 aforesaid remained due and unpaid at the date of the sale hereinafter named; and whereas the treasurer of said county did on the fourth day of November, A. D. 1867, by virtue of the authority in him vested by law, at the adjourned sale begun and publicly held on the first Monday of October, 1867, expose to public sale at the court-house, in the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made and provided, the real property above described separately, for the payment of the taxes, interest, and costs then due and remaining unpaid upon said property separately; and whereas, at the time and place aforesaid, Orlando Meads, of the county of Albany and State of New York, having offered to pay the sum of money due on each piece of property as above stated, being the whole amount of taxes, interest, and costs then due and remaining unpaid on each of said piece' of property, for each piece of property as aforesaid, each piece of property being sold seperately as above described for the amount due thereon, which was the least quantity bid for; and payment of said sum having been by him made to the said treasurer, the said property was severally stricken off to him at the prices aforesaid.

This, therefore, is to certify that, in consideration of the payment of said taxes, interest, and costs, and the sale of the real estate as aforesaid, said Orlando Meads will, unless the same is redeemed according to law within three years from the date of said sale, be entitled to receive from the treasurer of said county, upon the return of this certificate, a deed vesting the title in himself, heirs, or assigns forever; subject, however, to the further rights of redemption provided by law.

In witness whereof, I, Henry Dorsey, treasurer as aforesaid, have hereunto subscribed my name, on this fourth day of November, A. D. 1867.

HENRY DORSEY, *Treasurer.*
——— ———, *Deputy.*

Registered:
——— ———, *County Auditor.*

183 For value rec'd, I hereby sell & assign the within certificate & all my right, title, & interest in & to the property therein described to Dexter Reynolds, of Albany County, New York.
(Signed) ORLANDO MEADS.

FEB. 5TH, 1868.

[5 c'ts U. S. rev. stamp. O. M., Feb. 5, '68.]

For value rec'd, I hereby sell and assign the within certificate and all my right, title, and interest therein, so far as it applies to the south half of the northeast quarter of section 21, 69, 39 west, to D. W. Jones, of Page County, Iowa.
(Signed) DEXTER REYNOLDS.

DEC. 20, 1870.

(Endorsed:) No. 33. Certificate of tax-sale, Page County, Iowa, to Orlando Meads. Sold Nov. 4th, A. D. 1867. $14.55.

184 *Treasurer's tax-deed.—Form* 222½.

Know all men by thes' presents, that whereas the following described pieces of real property, situated in the county of Page and State of

Iowa, viz: The northeast quarter of the southeast quarter of section twenty-one (21), in township sixty-nine (69) north, of range thirty-nine (39) west, 5 P. M., Iowa; the northwest quarter of the southeast quarter of section twenty-one (21), in township sixty-nine (69) north, of range thirty-nine (39) west, 5 P. M., Iowa; the southwest quarter of the southeast quarter of section twenty-one (21), in township sixty-nine (69) north, of range thirty-nine (39) west, 5 P. M., Iowa; the southeast quarter of the southeast quarter of section twenty-one (21), in township sixty-nine (39) north, of range thirty-nine (39) west, 5 P. M., Iowa; the southwest quarter of the northeast quarter of section twenty-one (21), in township sixty-nine (69), north of range thirty-nine (39) west, 5 P. M., Iowa;
185 the southeast quarter of the northeast quarter of section twenty-one, in township sixty-nine north, of range thirty-nine (39) west, 5 P. M., Iowa, were each subject to taxation for the year 1866.

And whereas the taxes assessed upon said respective pieces of real property for the year aforesaid remained due and unpaid at the date of the sale hereinafter named;

And whereas the treasurer of said county did, on the fourth day of November, A. D. 1867, by virtue of the authority in him vested by law, at the adjourned sale, begun and publically held on the first Monday of October, A. D. 1867, expose to public sale, at the court-house in the county aforesaid, in substantial conformity with all the requisitions of the statute in such case made and provided, the several pieces of real property above and hereinafter described, seperately, for the payment of taxes, interest, and costs then due and remaining unpaid on each of said pieces of real property, respectively;

186 And whereas, at the time and place aforesaid, Orlando Meade, of the county of Albany and State of New York, having offered to pay the sum of two (2) dollars and eighty (80) cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on the northeast quarter of the southeast quarter of section twenty-one (21), in township sixty-nine (69) north, of range thirty-nine (39) west, 5 P. M., Iowa, for the whole of said tract of land, which was the least quantity bid for;

And whereas, at the time and place aforesaid, the said Orlando Meade having offered to pay the sum of two (2) dollars and eighty (80) cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on the northwest quarter of the southeast quarter of section twenty-one (21), in township sixty-nine (69) north, of range thirty-nine (39) west, 5 P. M., Iowa, for the whole of said tract of land, which was the least quantity bid for;

And whereas, at the time and place aforesaid, the said Orlando Meade having offered to pay the sum of two (2) dollars and eighty (80)
187 cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on the southwest quarter of the southeast quarter of section twenty-one (21), in township sixty-nine (69) north, of range thirty-nine (39) west, 5 P. M., Iowa, for the whole of said tract of land, which was the least quantity bid for;

And whereas, at the time and place aforesaid, the said Orlando Meade having offered to pay the sum of two (2) dollars and eighty (80) cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on the southeast quarter of the southeast quarter of section twenty-one (21), in township sixty-nine (69) north, of range thirty-nine (39) west, 5 P. M., Iowa, for the whole tract of land, which was the least quantity bid for;

And whereas, at the time and place aforesaid, the said Orlando Meade

having offered to pay the sum of two (2) dollars and eighty (80) cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on the southwest quarter of the northeast quarter
188 of section twenty-one (21), in township sixty-nine (69) north, of range thirty-nine (39) west, 5 P. M., Iowa, for the whole of said tract of land, which was the least quantity bid for;

And whereas, at the time and place aforesaid, the said Orlando Mead having offered to pay the sum of two (2) dollars and eighty (80) cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on the southeast quarter of the northeast quarter of section twenty-one (21), in township sixty-nine (69) north, of range thirty-nine (39) west, 5 P. M., Iowa, for the whole of said tract of land, which was the least quantity bid for; and payment of the said several sums of money having been by him made to the said treasurer, the said respective pieces of property were respectively stricken off to him at the respective prices aforesaid.*

And whereas the said Orlando Meade did, on the 5th day of
189 February, A. D. 1868, duly assign the certificate of the sale of the property as aforesaid, and all his right, title, and interest to said property, to Dexter Reynolds, of the county of Albany and State of New York; and whereas the said Dexter Reynolds did, on the 20th day of December, A. D. 1870, duly assign the certificate of the sale of the property as aforesaid, and all his right, title, and interest to said property, to D. W. Jones, of the county of Page and State of Iowa; and whereas three years have elapsed since the date of said sale, and the said respective pieces of property have not been redeemed therefrom as provided for by law, nor either of them, nor any part thereof:

Now, therefore, I, Henry Loranz, treasurer of the county aforesaid, for and in consideration of the said several sums of money to the treasurer paid as aforesaid, and by virtue of the statute in such case made and provided, have granted, bargained, and sold, and by these presents do grant, bargain, and sell, unto the said Daniel W. Jones, his heirs and assigns, the several pieces of real property which were stricken
190 off to him at the said sale, as hereinbefore described, to have and to hold unto him, the said Daniel W. Jones, his heirs and assigns, forever; subject, however, to all the rights of redemption provided by law.

In witness whereof I, Henry Loranz, treasurer as aforesaid, by virtue of the authority as aforesaid, have hereunto subscribed my name on this 26th day of February, A. D. 1873.

(Signed) HENRY LORANZ,
Treasurer.

STATE OF IOWA,
Page County:

I hereby certify that before me, W. M. Alexander, a notary public in and for said county, personally appeared the above-named Henry Loranz, treasurer of said county, personally know' to me to be the treas-
191 urer of said county at the date of the execution of the above conveyance, and to be the identical person whose name is affixed to and who executed the above conveyance, as treasurer of said county, and who acknowledge' the execution of the same to be his voluntary

* This blank is to be filled up only in cases where the certificate of purchase has been assigned to a third party, and to whom the deed is made, and should be filled up as per form in Revision of 1860, page 124, third line from top.

act and deed as treasurer of said county for the purposes therein expressed.

Given under my hand and seal this 26th day of February, A. D. 1873.

{ W. M. ALEXANDER, IOWA. } W. M. ALEXANDER,
{ NOTARIAL SEAL. } *Notary Public.*

(Endorsed:) Treasurer's tax-deed. H. Loranz, treasurer of Page County, Iowa, to D. W. Jones. Filed for record on the 26th day of Feb., A. D. 1873, at 2 o'clock p. m. Recorded in book 2, page 120. Fees, . Thomas Wallace, co. recorder, Page County, Iowa. , deputy.

Stamp duties.

When the consideration is any amount not over			$500.....	$0 50
Over $500,		" "	1,000.....	1 00
192 " 1,000,		" "	1,500.....	1 50
" 1,500,		" "	2,000.....	2 00
" 2,000,		" "	2,500.....	2 50
Every additional $500 or fractional part thereof.....				0 50

When given as release of a mortgage, exempt.

Transferred Feb. 26, 1873.

W. M. ALEXANDER,
Auditor.

Know all men by these presents that I, Orlando Meads, of the city of Albany and State of New York, in consideration of the sum of forty dollars in hand paid, do hereby quitclaim unto D. W. Jones, of Page County, all my right, title, and interest in and to the following described land, situate and lying in the county of Page and State of Iowa, to wit: The south half of the northeast quarter of section twenty-one (21), township sixty-nine (69), range thirty-nine west, 5 P. M., Iowa.

Signed the twenty-eighth day of December, 1868.

(Signed) ORLANDO MEADS. [SEAL.]

193 In presence of—
ROBERT T. SHERMAN.

[Fifty cents. United States inter. revenue. O. M., Dec. 28, 1868.]

STATE OF NEW YORK,
Albany City and County, ss:

On this twenty-eight day of December, 1868, before me, Robert T. Sherman, a notary public for the State of New York, in and for said city and county, duly appointed, commissioned, and authorized, residing at the city of Albany, and State of New York, personally came Orlando Meads, personally to me known to be the identical person whose name is affixed to the above instrument as grantor, and acknowledged the same to be his voluntary act and deed for the purposes therein expressed.

In testimony I have hereunto subscribed my name and affixed my official seal, at Albany aforesaid, on the date last above written.

{ ROBERT T. SHERMAN, NOTARY } ROBERT T. SHERMAN,
{ PUBLIC, ALBANY, N. Y. } *Notary Public.*

194 (Endorsed:) Orlando Meads to D. W. Jones. Deed. Entered for taxation January 28, 1869. W. M. Alexander, aud't.

STATE OF IOWA,
Page County:

Filed for record January 28, 1869, at 9 o'clock a. m., and recorded in book No. 1, page 156, of Page County records.

DAN. J. DELONG,
Recorder.

(No stamp.)

Quitclaim deed.—(Form 174.)

Know all men by these presents that I, Everett Folger, of the county of Page and State of Iowa, for the consideration of the sum of two hundred dollars in hand paid, do hereby quitclaim unto D. W. Jones, of Page County, State of Iowa, all my right, title, and interest in and to the following-described real estate, situate and lying in Page
195 County and State of Iowa, viz: The south one-half of the northeast quarter of section No. twenty-one (21), in township No. sixty-nine (69) north, and range No. thirty-nine (39) west.

[Twenty-five c'ts certificate, E. F.]

[Twenty-five c'ts certificate, E. F.]

Witness my hand this eighth day of June, A. D. 1870.
Attest:
EVERETT FOLGER.

STATE OF IOWA,
Montgomery County, ss:

On this eighth day of June, A. D. 1870, before me, the undersigned, notary public in and for said county, appeared the above-named Everett Folger, personally known to me to be the identical person whose name is affixed to the foregoing instrument as grantor, and acknowledged the same to be his voluntary act and deed for the purposes therein expressed.

Witness my hand and notarial seal the day and year above written.

{ J. W. HEWITT, MONTGOMERY CO., IOWA, NOTARIAL SEAL. } J. W. HEWITT,
Notary Public.

196 (Endorsed:) E. Folger to D. W. Jones. Entered for taxation on the 12th day of Sept., 1870. W. M. Alexander, auditor. Filed for record on the 12th day of September, A. D. 1870, at five o'clock p. m. Recorded 18, book No. 6, page 209, of Page Co. records. Dan. J. DeLong, recorder. , deputy.

Treasurer's tax deed.—Form 222½.

Know all men by these presents, that whereas the following-described pieces of real property, situated in the county of Page and State of Iowa, viz: the S. W. quarter of the S. W. quarter of section 30, in township 70 north, of range 38 west, 5 P. M., Iowa; the S. W. quarter of the N. W. quarter of section 36, in township 70 north, of range 38 west,
197 5 P. M., Iowa; the S. W. quarter of the N. W. quarter of section 19, in township 69 north, of range 39 west, 5 P. M., Iowa; the S. W. quarter of the N. E. quarter of section 21, in township 69 north, of range 39 west, 5 P. M., Iowa; the S. E. quarter of the N. E. quarter of section 21, in township 69 north, of range 39 west, 5 P. M., Iowa; the N. E. quarter of the S. E. quarter of section 21, in township 69 north, of

range 39 west, 5 P. M., Iowa; the N. W. quarter of the S. E. quarter of section 21, in township 69 north, of range 39 west, 5 P. M., Iowa; the S. W. quarter of the S. E. quarter of section 21, in township 69 north, of range 39 west, 5 P. M., Iowa; the S. E. quarter of the S. E. quarter of section 21, in township 69 north, of range 39 west, 5 P. M., Iowa; the N. E. quarter of the N. E. quarter of section 22, in township 69 north, of range 39 west, 5 P. M. Iowa; the N. W. of the N. E. quarter of section 22, in township 69 north, of range 39 west, 5 P. M., Iowa, were each subject to taxation for the years 1861, '62, & 1863;

198 And whereas the taxes assessed upon said respective pieces of real property for the year aforesaid remained due and unpaid at the date of the sale hereinafter named;

And whereas the treasurer of said county did, on the 21st day of November, A. D. 1864, by virtue of the authority in him vested by law, at the adjourned sale begun and publically held on the first Monday of October, A. D. 1864, expose to public sale at the court-house, in the county aforesaid, in substantial conformity with all the requisitions of the statute in such cases made and provided, the several pieces of real property above and hereinafter described seperately, for the payment of taxes, interest, and costs then due and remaining unpaid on each of said pieces of real property, respectively;

And whereas, at the time and place aforesaid, Orlando Meads, of the county of Albany and State of New York, having offered to pay the sum of seven dollars and eighty-two cents, being the whole

199 amount of taxes, interest, and costs then due and remaining unpaid on the S. W. quarter of the S. W. quarter of section 30, in township 70 north, of range 38 west, 5 P. M., Iowa, for the whole of said tract, which was the least quantity bid for:

And whereas, at the time and place aforesaid, the said Orlando Meads having offered to pay the sum of seven dollars and eighty-two cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on the S. W. quarter of the N. W. quarter of section 36, in township 70 north, of range 38 west, 5 P. M., Iowa, for the whole of said tract, which was the least quantity bid for;

And whereas, at the time and place aforesaid, the said Orlando Meads having offered to pay the sum of nine dollars and ten cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on the S. W. quarter of the N. W. quarter of section 19, in township 69 north, of range 39 west, 5 P. M., Iowa, for the whole of said tract, which was the least quantity bid for;

200 And whereas, at the time and place aforesaid, the said Orlando Meads having offered to pay the sum of nine dollars and ten cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on the S. W. quarter of the N. E. quarter of section 21, in township 69 north, of range 39 west, 5 P. M., Iowa, for the whole of said tract, which was the least quantity bid for;

And whereas, at the time and place aforesaid, the said Orlando Meads having offered to pay the sum of nine dollars and ten cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on the S. E. quarter of the N. E. quarter of section 21, in township 69 north, of range 39 west, 5 P. M., Iowa, for the whole of said tract, which was the least quantity bid for;

And whereas, at the time and place aforesaid, the said Orlando Meads having offered to pay the sum of nine dollars and ten cents, being the whole amount of taxes, interest, and costs then due and remain-

201 ing unpaid on the N. E. quarter of the S. E. quarter of section 21,

in township 69 north, of range 39 west, 5 P. M., Iowa, for the whole of said tract, which was the least quantity bid for;

And whereas, at the time and place aforesaid, the said Orlando Meads having offered to pay the sum of nine dollars and ten cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on the N. W. quarter of the S. E. quarter of section 21, in township 69 north, of range 39 west, 5 P. M., Iowa, for the whole of said tract, which was the least quantity bid for;

And whereas, at the time and place aforesaid, the said Orlando Meads having offered to pay the sum of nine dollars and ten cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on the S. W. quarter of the S. E. quarter of section 21, in township 69 north, of range 39 west, 5 P. M., Iowa, for the whole of said tract, which was the least quantity bid for;

And whereas, at the time and place aforesaid, the said Orlando
202 Meads having offered to pay the sum of nine dollars and ten cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on the S. E. quarter of the S. E. quarter of section 21, in township 69 north, of range 39 west, 5 P. M., Iowa, for the whole of said tract, which was the least quantity bid for;

And whereas, at the time and place aforesaid, the said Orlando Meads having offered to pay the sum of nine dollars and ten cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on the N. E. quarter of the N. E. quarter of section 22, in township 69 north, of range 39 west, 5 P. M., Iowa, for the whole of said tract, which was the least quantity bid for;

And whereas, at the time and place aforesaid, the said Orlando Meads having offered to pay the sum of nine dollars and ten cents, being the whole amount of taxes, interest, and costs then due and remaining unpaid on N. W. of the N. E. of section 22, township 69 north, of
203 range 39 west, for the whole of said tract, which was the least quantity bid for; and payment of the said several sums of money having been by him made to the said treasurer, the said respective pieces of property were respectively stricken off to him at the respective prices aforesaid*

And whereas three years have elapsed since the date of said sale, and the said respective pieces of property have not been redeemed therefrom as provided for by law, nor either of them, nor any part thereof:

Now, therefore, I, Henry Dorsey, treasurer of the county aforesaid, for and in consideration of the said several sums of money to the treasurer paid as aforesaid, and in virtue of the statute in such cases made and provided, have granted, bargained, and sold, and by these presents do grant, bargain, and sell, unto the said Orlando Meads, his heirs and assigns, the several pieces of real property which were stricken off to him at the said sale, as hereinbefore described, to have and to
204 hold unto him, the said Orlando Meads, his heirs and assigns, forever, subject, however, to all the rights of redemption provided by law.

In witness whereof I, Henry Dorsey, treasurer as aforesaid, by virtue of the authority as aforesaid, have hereunto subscribed my name on this 22 day of November, A. D. 1867.

HENRY DORSEY,
Treasurer.

*NOTE.—This blank is to be filled up only in cases where the certificates of purchase has been assigned to a third party, and to whom the deed is made, and should be filled up as per form in revision of 1860, page 124, third line from top.

STATE OF IOWA,
Page County:

I hereby certify that before me, J. Butler, a clerk in and for said county, personally appeared the above-named Henry Dorsey, treasurer of said county, personally known to me to be the treasurer of said county at the date of the execution of the above conveyance, and
205 to be the identical person whose name is affixed to, and who executed the above conveyance as treasurer of said county, and who acknowledged the execution of the same to be his voluntary act and deed as treasurer of said county for the purposes therein expressed.

[SEAL.] J. BUTLER,
Clk Dis't Court Page Co., Iowa,
By T. J. HENDERSON,
Deputy.

STATE OF IOWA,
Page County, ss:

I, Thomas Wallace, recorder of Page County, Iowa, having custody of the records of deeds, &c., in and for said county, do hereby certify that the foregoing is a true and perfect copy of a deed from the treasurer of Page County, Iowa, to Orlando Meads, dated Nov. 22, 1867, and filed for record in this office on the 26th day of November, 1867, and recorded in book M, on page 298 of said record of deeds, said copy
206 being as full and complete as said deed remains of record in my office.

Given under my hand officially this 7th day of May, A. D. 1874.

(Signed) THOMAS WALLACE,
Recorder of Page Co., Iowa.

STATE OF IOWA,
Page County:

I, W. W. Russell, clerk of the district court in and for said county, do hereby certify that Thomas Wallace, the person whose name is signed to the foregoing certificate, is the recorder of Page County, Iowa, and the proper custodian of the record of deeds in and for said county. That the foregoing certificate is in due form, and by the proper officer, and that his signature thereto is genuine; that the term of office of said Tho's Wallace, recorder, commenced on the 1st day of January, A. D. 1873, and will expire on the 31st day of December, A. D. 1874.

Given under my hand and seal of the district court of Page County, Iowa, this 7th day of May, A. D. 1874.

(Signed) W. W. RUSSELL,
207 *Clerk of the District Court of Page County, Iowa.*

(THE SEAL OF THE DISTRICT)
(COURT PAGE COUNTY, IOWA.)

(Endorsed:) Treasurer's tax deed. Treasurer of Page County, Iowa, to Orlando Meads. Filed for record on the 26th day of Nov., A. D. 1867, at o'clock m. Entered for taxation this day of 18 . Recorded in book M, page 298. Fees . A. B. Cramer, co. recorder, County, Iowa. , deputy.

Stamp duties.

When the consideration is any amount not over $500.....				$0 50
over $500	"	"	1,000.....	1 00
" 1,000	"	"	1,500.....	1 50
" 1,500	"	"	2,000.....	2 00
" 2,000	"	"	2,500	2 50
Every additional $500, or fractional part thereof.....				0 50

When given as release of a mortgage, exempt.

208 Know all men by these presents, that I, Orlando Meads, of the city of Albany and State of New York, in consideration of the sum of two hundred and eighty (280) dollars, in hand paid, do hereby quitclaim unto D. W. Jones, of Tremont County, Iowa, all my right, title, and interest, in and to the following described land, situated and lying in the county of Page and State of Iowa, to wit, the southeast quarter of section twenty-one (21), township sixty-nine (69), range thirty-nine (39) west, 5 P. M.

Signed the third day of November, 1868.

ORLANDO MEADS. [SEAL.]

In presence of—
DEXTER REYNOLDS.

[United States inter. revenue, fifty cents. O. M. Meads, Nov. 3, 1868.]

STATE OF NEW YORK,
Albany City and County, ss:

On this third day of November, 1868, before me, John Templeton, a notary public for the State of New York, in and for said city and
209 county, duly appointed, commissioned, and authorized, residing at the city of Albany, State of New York, personally came Orlando Meads, personally to me known to be the identical person whose name is affixed to the above instrument as grantor, and acknowledged the same to be his voluntary act and deed, for the purposes therein expressed.

In testimony whereof I have hereunto subscribed my name and affixed my official seal at Albany aforesaid, on the date last above written.

(Signed) JOHN TEMPLETON,
Notary Public.

{ JOHN TEMPLETON, NOTARY PUBLIC, ALBANY, N. Y. }

(Endorsed:) Orlando Meads to D. W. Jones. Deed.

STATE OF IOWA,
Page County:

Filed for record and entered for taxation Dec. 30th, 1868, at 3 o'clock p. m. Recorded in book No. 1, page 104 & 5.

A. B. CRAMER, *Recorder.*

210 Afterwards, to wit, on the 30th day of October, the same being of the October term, A. D. 1874, of said court, there appears in the records of the proceedings thereof in said cause the following entry, to wit:

United States circuit court, district of Iowa. October term, 1874.

FRIDAY, *Oct.* 30, 1874.

M. HURLEY *vs.* D. W. JONES. } No. 339. Eq.

This cause having been submitted to the court, and the court being now fully advised in the premises, it is ordered, adjudged, and decreed that the complainant's bill of complaint be, and is hereby, dismissed, with costs that the defendant go hence without day and recover his costs taxed at $, and that execution issue therefor.

211 Thereupon complainant prays an appeal to the Supreme Court of the United States, which is allowed, on giving a bond in the penal sum of five hundred dollars, conditioned as required by law, with sureties to be approved by the court.

212 Afterwards, to wit, on the 3d day of May, 1875, said complainant, by his said attorneys, filed in said clerk's office his appeal bond in said cause, which said appeal bond is in the words and figures following, to wit:

213 *Appeal bond.*

In the circuit court of the United States, dist. of Iowa. Oct. term, 1874.

MICHAEL HURLEY }
vs. }
D. W. JONES. }

Know all men by these presents, that we, Michael Hurley, as principal, and William Hurley, as security, are held and firmly bound unto D. W. Jones in the penal sum of five hundred dollars, for the payment of which well and truly to be made, we hereby bind ourselves, our heirs, executors, and assigns, firmly by these presents.

Dated this seventh day of April, A. D. 1875.

The condition of this bond is such, that whereas the said Michael Hurley has appealed from the judgment or order of the circuit court of the United States, in and for the district of Iowa, made at the October term of said court, A. D. 1875, in a certain cause in equity, wherein Michael Hurley is plaintiff and D. W. Jones is defendant, to the Supreme Court of the United States:

Now, if the said Michael Hurley shall pay all costs and damages that shall be adjudged against him, and that he will satisfy and perform the judgment or order appealed from in case it shall be affirmed, and any judgment or order which the Supreme Court may render, or order to be rendered, by the Supreme Court, not exceeding in amount or value the original judgment or order, then this obligation to be void, otherwise to be and remain in full force.

MICHAEL HURLEY, *Principal.*
WILLIAM HURLEY, *Security.*

Approved this 16th day of April, A. D. 1875.

JOHN F. DILLON,
Judge of said Court.

214 I, William Hurley, being duly sworn, do depose and say that I own real estate situated in the State of Iowa, not exempt from execution and free from incumbrance, worth more than one thousand dollars.

Done at the city of Washington, D. C., on the seventh day of April, A. D. 1875.

WILLIAM HURLEY.

Sworn to and subscribed before me, a notary public in and for the county of Washington and District of Columbia, this the fifteenth day of April, A. D. 1875.

[SEAL.]

W'M H. MINNIX,
Notary Public.

(Endorsed:) Appeal bond. M. Hurley vs. D. W. Jones. Filed May 3, 1875. George B. Corkhill, clerk.

215 In the circuit court of the United States for the district of Iowa.

I, George B. Corkhill, clerk of the said court for said district, do hereby certify that the foregoing transcript contains full, true, and complete copies of all pleadings, proceedings, record-entries, depositions, documentary evidence, final decree, and appeal bond in a certain cause adjudicated in said court, wherein Michael Hurley was plaintiff and D. W. Jones was defendant, as full, true, and complete as the originals of the same now remain on file and of record in my office.

In testimony whereof I hereunto subscribe my name and affix the seal of said court, at my office in Des Moines, in said district, this 27 day of August, A. D. 1875.

[SEAL.]

GEORGE B. CORKHILL,
Clerk U. S. C. C., District of Iowa.

(Indorsement on cover:) No. 262. Michael Hurley, appellant, vs. D W. Jones. Iowa C. C. U. S. Filed 20th October, 1875.